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BILL 81

63

Government
Publications

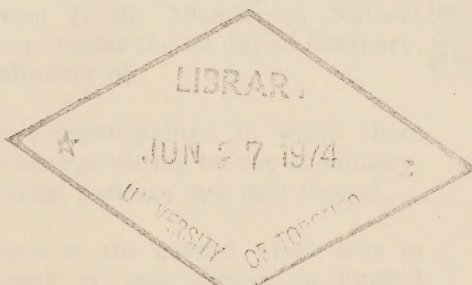
Government Bill

4TH SESSION, 29TH LEGISLATURE, ONTARIO
23 ELIZABETH II, 1974

Legislative Assembly

**The Provincial Parks
Municipal Tax Assistance Act, 1974**

THE HON. J. WHITE
Treasurer of Ontario and Minister of Economics
and Intergovernmental Affairs



TORONTO

PRINTED BY J. C. THATCHER, QUEEN'S PRINTER FOR ONTARIO

EXPLANATORY NOTE

The Bill replaces *The Provincial Parks Municipal Tax Assistance Act, 1971*.

The principal changes effected by the Bill are the following:

1. The categories of parks in respect of which a payment in lieu of taxes may be made by the Province to the municipalities in which they are situate are enlarged to include those parks operated under *The Niagara Parks Act*, *The St. Clair Parkway Commission Act, 1966* and *The St. Lawrence Parks Commission Act*; in addition, wilderness areas and historical parks are made eligible for the payment.
2. Lands owned by the Province within the Niagara Escarpment Planning Area and the Parkway Belt Planning Area, with certain exceptions, also qualify for payment in lieu of taxes; complementary amendments to *The Niagara Escarpment Planning and Development Act, 1973* and *The Parkway Belt Planning and Development Act, 1973*, will delete the present provisions in those Acts providing for such payments.

BILL 81

1974

The Provincial Parks Municipal Tax Assistance Act, 1974

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. In this Act,

Interpre-
tation

(a) "municipality" means a city, town, village, township and improvement district;

(b) "Ministry" means the Ministry of Treasury, Economics and Intergovernmental Affairs;

(c) "provincial park" means a provincial park, a park operated under *The Niagara Parks Act*, *The St. Clair Parkway Commission Act, 1966*, or *The St. Lawrence Parks Commission Act*, a wilderness area and a historical park or part thereof as determined under section 2. R.S.O. 1970,
cc. 298, 447
1966, c. 146

2.—(1) Subject to section 7, the Minister of Natural Resources shall annually, on or before the 1st day of February, determine and advise the Ministry of, Determina-
tion by
Minister
of Natural
Resources

(a) the names of those municipalities in which there was located on the next preceding 1st day of January, one or more provincial parks or any part thereof;

(b) the number of acres to the nearest whole acre in each provincial park or part thereof so located within each such municipality.

(2) For the purposes of this Act, notwithstanding sub-section 5 of section 3 of *The Provincial Parks Act*, any land set apart as a provincial park or added thereto shall be deemed not to be separated from the municipality of which it formed a part immediately before it became a provincial park or a part thereof. Parks
deemed not
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from muni-
cipalities
R.S.O. 1970,
c. 371

Determina-
tion final

(3) The determination of the Minister of Natural Resources under subsection 1 is final.

Determina-
tion by
Ministry

1973,
cc. 52, 53

3.—(1) Subject to section 7, the Ministry shall annually, on or before the 1st day of February determine, in respect of each municipality whose jurisdiction includes any part of the Niagara Escarpment Planning Area within the meaning of *The Niagara Escarpment Planning and Development Act, 1973*, or any part of the Parkway Belt Planning Area within the meaning of *The Parkway Belt Planning and Development Act, 1973*, the number of acres to the nearest whole acre of all land in such municipality situate within the planning areas and owned on the next preceding 1st day of January by Her Majesty in right of Ontario, excluding,

R.S.O. 1970,
c. 292

(a) "highways" within the meaning of *The Municipal Tax Assistance Act*;

(b) land that is included in a provincial park; and

(c) land upon which taxes or payments in lieu of taxes are payable to the municipality in the year in respect of such land under any other general or special Act.

Determina-
tion final

(2) The determination of the Ministry under subsection 1 is final.

Payments

4. Commencing with the year 1974, the Ministry may pay in each year,

(a) to a municipality in which there are one or more provincial parks,

(i) \$5 per acre for each of the first 100 acres of each such park and \$2 per acre for each acre in excess of 100 acres in each such park to a maximum of 10,000 acres, or

(ii) \$100,

whichever is the greater; and

(b) to each municipality in respect of which a determination has been made under section 3,

(i) \$5 per acre for each of the first 100 acres of such land and \$2 per acre for each acre in excess of 100 acres up to a maximum of 10,000 acres, or

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whichever is the greater.

5.—(1) For the purposes of any general or special Act, the equalized assessment of a municipality that receives a payment under this Act shall be deemed for apportionment purposes, other than for school purposes or for county purposes or for apportionment between merged areas, to be increased by an amount that would have produced the amount of the payment received by the taxation of real property at the rate determined by dividing the total taxes levied for all purposes other than school purposes on commercial and industrial assessment in the preceding year by the total equalized commercial and industrial assessment for the preceding year, multiplied by 1,000. Municipal assessment deemed increased

(2) In determining the taxes levied on commercial and industrial assessment under subsection 1, there shall be excluded taxes on such assessment under section 43 of *The Assessment Act*. Exclusion of taxes added to collector's roll under R.S.O. 1970, c. 32, s. 43

6.—(1) Subject to subsection 2, the moneys required for the purposes of this Act are payable out of such moneys as may be appropriated therefor by the Legislature. Moneys

(2) In respect of a park owned and operated by a commission established under an Act mentioned in clause *c* of section 1, the moneys required for the purposes of this Act are payable out of the funds of the commission. Idem

7. The annual determinations required under sections 2 and 3 shall be made for the purposes of payments in 1974 as soon as is practicable after the coming into force of this Act. Determination for 1974

8. *The Provincial Parks Municipal Tax Assistance Act, 1971*, being chapter 78, is repealed. Repeal

9. This Act comes into force on the day it receives Royal Assent. Commencement

10. This Act may be cited as *The Provincial Parks Municipal Tax Assistance Act, 1974*. Short title

The Provincial Parks
Municipal Tax Assistance
Act, 1974

1st Reading

June 11th, 1974

2nd Reading

3rd Reading

THE HON. J. WHITE
Treasurer of Ontario and Minister of
Economics and Intergovernmental
Affairs

(Government Bill)

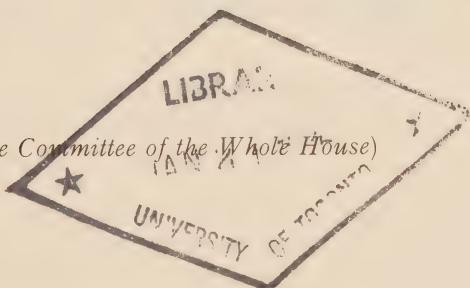
4TH SESSION, 29TH LEGISLATURE, ONTARIO
23 ELIZABETH II, 1974

*Legislative Assembly
Bill*

**The Provincial Parks
Municipal Tax Assistance Act, 1974**

THE HON. J. WHITE
Treasurer of Ontario and Minister of Economics
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(Reprinted as amended by the Committee of the Whole House)



TORONTO

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The principal changes effected by the Bill are the following:

1. The categories of parks in respect of which a payment in lieu of taxes may be made by the Province to the municipalities in which they are situate are enlarged to include those parks operated under *The Niagara Parks Act*, *The St. Clair Parkway Commission Act, 1966* and *The St. Lawrence Parks Commission Act*; in addition, wilderness areas and historical parks are made eligible for the payment.
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2.—(1) Subject to section 7, the Minister of Natural Resources shall annually, on or before the 1st day of February, determine and advise the Ministry of,

Determina-
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- (a) the names of those municipalities in which there was located on the next preceding 1st day of January, one or more provincial parks or any part thereof;
- (b) the number of acres to the nearest whole acre in each provincial park or part thereof so located within each such municipality.

(2) For the purposes of this Act, notwithstanding sub-section 5 of section 3 of *The Provincial Parks Act*, any land set apart as a provincial park or added thereto shall be deemed not to be separated from the municipality of which it formed a part immediately before it became a provincial park or a part thereof.

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3.—(1) Subject to section 7, the Ministry shall annually, on or before the 1st day of February determine, in respect of each municipality whose jurisdiction includes any part of the Niagara Escarpment Planning Area within the meaning of *The Niagara Escarpment Planning and Development Act, 1973*, or any part of the Parkway Belt Planning Area within the meaning of *The Parkway Belt Planning and Development Act, 1973*, the number of acres to the nearest whole acre of all land in such municipality situate within the planning areas and owned on the next preceding 1st day of January by Her Majesty in right of Ontario, excluding,

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whichever is the greater; and

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6.—(1) Subject to subsection 2, the moneys required for the purposes of this Act are payable out of such moneys as may be appropriated therefor by the Legislature. Moneys

(2) In respect of a park owned and operated by a commission established under an Act mentioned in clause *c* of section 1, the moneys required for the purposes of this Act are payable out of the funds of the commission. Idem

(3) Notwithstanding subsection 2, the moneys required for the purposes of this Act by a commission mentioned in subsection 2 shall, for 1974, be paid out of the moneys appropriated therefor by the Legislature. Idem

7. The annual determinations required under sections 2 and 3 shall be made for the purposes of payments in 1974 as soon as is practicable after the coming into force of this Act. Determination for 1974

8. *The Provincial Parks Municipal Tax Assistance Act, 1971*, being chapter 78, is repealed. Repeal

9. This Act comes into force on the day it receives Royal Assent. Commencement

10. This Act may be cited as *The Provincial Parks Municipal Tax Assistance Act, 1974*. Short title

BILL 81

The Provincial Parks Municipal Tax Assistance Act, 1974

1st Reading

June 11th, 1974

2nd Reading

December 16th, 1974

3rd Reading

THE HON. J. WHITE
Treasurer of Ontario and Minister of
Economics and Intergovernmental
Affairs

*(Reprinted as amended by the
Committee of the Whole House)*

4TH SESSION, 29TH LEGISLATURE, ONTARIO
23 ELIZABETH II, 1974

*Legislative Assembly
Bills*

**The Provincial Parks
Municipal Tax Assistance Act, 1974**

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BILL 81

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whichever is the greater; and

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(2) In respect of a park owned and operated by a commission established under an Act mentioned in clause *c* of section 1, the moneys required for the purposes of this Act are payable out of the funds of the commission. Idem

(3) Notwithstanding subsection 2, the moneys required for the purposes of this Act by a commission mentioned in subsection 2 shall, for 1974, be paid out of the moneys appropriated therefor by the Legislature. Idem

7. The annual determinations required under sections 2 and 3 shall be made for the purposes of payments in 1974 as soon as is practicable after the coming into force of this Act. Determination for 1974

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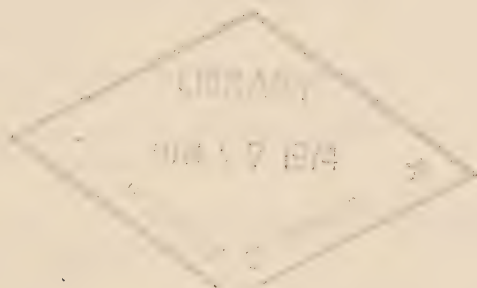
-B 56

4TH SESSION, 29TH LEGISLATURE, ONTARIO
23 ELIZABETH II, 1974

Legislative Assembly

An Act to amend The Corporations Tax Act, 1972

THE HON. A. K. MEEN
Minister of Revenue



TORONTO

PRINTED BY J. C. THATCHER, QUEEN'S PRINTER FOR ONTARIO

EXPLANATORY NOTES

This Bill is enacted to bring into force the changes to *The Corporations Tax Act, 1972*, announced in the Budget on April 9th, 1974.

SECTION 1. This section revises the definition of farming and defines "family farm corporation", "farming assets" and "member of his family" for the purpose of granting a special rate of tax on paid up capital of family farm corporations.

An Act to amend The Corporations Tax Act, 1972

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

- 1.—(1) Subsection 1 of section 1 of *The Corporations Tax Act*, ^{s. 1 (1),} 1972, being chapter 143, as amended by the Statutes of Ontario, 1973, chapter 157, section 1, is further amended by adding thereto the following paragraph:

30a. “family farm corporation” means a corporation that is throughout the fiscal year a corporation,

- i. every share of the capital stock of which that confers on the holder thereof the right to vote was owned by an individual ordinarily resident in Canada or by such individual and a member or members of his family ordinarily resident in Canada,
- ii. 95 per cent of the assets of which were farming assets, and
- iii. which carried on the business of farming in Ontario through the employment of a shareholder or a member of his family actually engaged in the operation of the farm.

- (2) Paragraph 31 of subsection 1 of the said section 1 ^{is s. 1 (1), par. 31,} repealed and the following substituted therefor: ^{re-enacted}

31. “farming” includes tillage of the soil, live stock raising or exhibiting, maintaining of horses for racing, raising of poultry, fur farming, dairy farming, fruit growing, and the keeping of bees, but does not include an office or employment under a person engaged in the business of farming and, for the purposes of subsection 2 of section 135 only, does not include the maintaining of horses for racing;

31a. "farming assets" of a family farm corporation means,

- i. cash, trade accounts receivable, supplies and inventory of commodities or things produced, raised or grown through farming,
- ii. land, buildings, equipment, machinery and live stock that are used chiefly in the operation of the farm by the corporation,
- iii. any right or licence granted or issued under any Act of the Legislature that permits or regulates the production or sale of any commodity or thing produced, raised or grown through farming,
- iv. the building in which a shareholder or a member or members of his family reside who are engaged in the operation of the farm if that building is on land that is used or is contiguous to land used by that shareholder or member or members of his family in the operation of the farm,
- v. shares in another family farm corporation.

s. 1 (1),
amended

(3) Subsection 1 of the said section 1 is further amended by adding thereto the following paragraph:

43a. "member of his family" means, with respect to an individual referred to in paragraph 30a,

- i. his spouse,
- ii. his child,
- iii. his father, mother, brother or sister or any lawful descendant of such brother or sister,
- iv. the brother or sister of his father or mother or any lawful descendant of any such brother or sister,
- v. the father, mother or any brother or sister of his spouse or any lawful descendant of any such brother or sister,
- vi. his son-in-law or daughter-in-law,
- vii. a person adopted by him under *The Child Welfare Act* or the spouse or any lawful descendant of such person, or
- viii. his grandfather or grandmother.

R.S.O. 1970,
c. 64

SECTION 2. This section amends subsection 1 of section 22 of the Act by adding clause *n* to disallow the deduction from income of mining royalties and mining taxes.

SECTION 3. This section amends subsection 1 of section 24 of the Act by repealing the allowance as a deduction from income of taxes in respect of income from mining.

SECTION 4. This section amends section 62 of the Act to provide a uniform $33\frac{1}{3}$ per cent depletion allowance in respect of an oil or gas well or mining resource.

2. Subsection 1 of section 22 of the said Act, as amended by ^{s. 22 (1),} amended the Statutes of Ontario, 1973, chapter 42, section 4, is further amended by adding thereto the following clause:

(n) an amount paid or payable by a corporation to a ^{Mineral resource taxes} jurisdiction in respect of a mining royalty tax or a mining tax based on the production of or profits from the operation of a mineral resource in the jurisdiction for the fiscal year, except as permitted by regulation.

3. Clause *x* of subsection 1 of section 24 of the said Act is ^{s. 24 (1) (x),} repealed.

4. Subsections 1 and 2 of section 62 of the said Act, as ^{s. 62 (1, 2),} re-enacted by the Statutes of Ontario, 1973, chapter 157, section 16, are repealed and the following substituted therefor:

(1) Except as otherwise provided in this section, there ^{Allowance for oil or gas well, mine or timber limit} may be deducted in computing a corporation's income for a fiscal year such amount as an allowance, if any, in respect of,

(a) an oil or gas well, mineral resource or timber limit; or

(b) the processing, to the prime metal stage or its equivalent, of ore from a mineral resource,

that is $33\frac{1}{3}$ per cent of the amount of the production profits or other subject of allowance of the corporation for the fiscal year as is prescribed by regulation.

(1a) Where a corporation has income for a fiscal year ^{Allowance for oil and gas well outside Canada} from an oil well or gas well that is outside Canada, there may be deducted in computing the corporation's income for a fiscal year, such amount as an allowance, if any, as is allowed by regulation.

(2) For greater certainty it is hereby declared that, in ^{Regulations} the case of a regulation made under subsection 1 prescribing the amount of production profits or other subject of allowance of a corporation in respect of an oil or gas well or a mineral resource or in respect of the processing of ore,

(a) there may be prescribed by such regulation an amount in respect of any or all,

(i) oil or gas wells or mineral resources in which the corporation has an interest, or

- (ii) processing operations described in clause *b* of subsection 1 that are carried on by the corporation; and

- (*b*) notwithstanding any other provision in this Act, the Lieutenant Governor in Council may prescribe the formula by which the amount of production profits or other subject of allowance of the corporation shall be determined.

Idem

(2*a*) For greater certainty it is hereby declared that, in the case of a regulation made under subsection 1*a* allowing to a corporation an amount in respect of an oil or gas well that is outside Canada,

- (*a*) there may be allowed to the corporation by such regulation an amount in respect of any or all oil or gas wells in which the corporation has any interest; and
- (*b*) notwithstanding any other provision in this Act, the Lieutenant Governor in Council may prescribe the formula by which the amount that may be allowed to the corporation by such regulation shall be determined.

s. 63,
amended

5.—(1) Section 63 of the said Act, as amended by the Statutes of Ontario, 1973, chapter 157, section 17, is further amended by adding thereto the following subsection:

Idem

(3*a*) A corporation other than a principal-business corporation may deduct, in computing its income for a fiscal year, the lesser of,

- (*a*) the aggregate of such of its Ontario exploration and development expenses as were incurred by it before the end of the fiscal year to the extent that they were not deducted in computing its income for a previous year, minus that portion of the deduction allowed, if any, in computing its income for the fiscal year under subsection 2 or 3 which is reasonably attributable to Ontario exploration and development expenses; and
- (*b*) that portion of the amount determined under clause *a* equal to the amount of its income for the fiscal year if no deductions were allowed under this section, minus,
 - (i) that portion of the deduction allowed for the fiscal year under subsection 2 or 3 which is

SECTION 5. This section amends section 63 of the Act to allow the full deduction from income of Ontario exploration and development expenses.

reasonably attributable to Ontario exploration and development expenses, and

- (ii) the deduction allowed for the fiscal year under section 100.
- (2) Subsection 4 of the said section 63 is amended by striking ^{s. 63 (4),} amended out "subsection 3" in the first line and inserting in lieu thereof "subsections 3 and 3a".
 - (3) Subsection 9 of the said section 63 is amended by striking ^{s. 63 (9),} amended out "In computing a corporation's Canadian exploration and development expenses" in the first and second lines and inserting in lieu thereof "In computing the Canadian exploration and development expenses and Ontario exploration and development expenses of a corporation".
 - (4) Subsection 10 of the said section 63 is amended by ^{s. 63 (10),} amended striking out "Where" in the first line and inserting in lieu thereof "Except as otherwise provided in this section, where".
 - (5) The said section 63 is further amended by adding thereto ^{s. 63,} amended the following subsection:

(10a) Notwithstanding subsection 10, where a corpora-^{Idem} tion other than a principal-business corporation has incurred expenses the deduction of which from income is allowable under subsection 2, 3 or 3a,

 - (a) a corporation that is entitled to a deduction under subsection 2 may, in addition to that deduction, deduct such additional amount as it may claim in respect of Ontario exploration and development expenses under subsection 3a; and
 - (b) a corporation that is entitled to a deduction under subsection 3 may, in addition to that deduction, deduct such additional amount as it may claim in respect of Ontario exploration and development expenses under subsection 3a.
 - (6) Subsection 12 of the said section 63, as amended by the ^{s. 63 (12),} amended Statutes of Ontario, 1973, chapter 157, section 17, is further amended by adding thereto the following clauses:

(ea) "Ontario exploration and development expenses" incurred by a corporation means any expenses that would be Canadian exploration and development expenses incurred by the corporation if clause *b* of this subsection were read as if the references therein to,

- (i) "in Canada" were references to "in Ontario",
 - (ii) "after 1971" were references to "after the 9th day of April, 1974", and
 - (iii) "Canadian" were references to "Ontario";
- (eb) "Ontario resource property" of a corporation means any property that would be a Canadian resource property of the corporation if clause *c* of this subsection were read as if the references therein to,
- (i) "in Canada" were references to "in Ontario", and
 - (ii) "after 1971" were references to "after the 9th day of April, 1974".

s. 75 (2) (a),
re-enacted

6. Clause *a* of subsection 2 of section 75 of the said Act is repealed and the following substituted therefor:

Exemption
for three
years

- (a) Subject to the prescribed conditions, there shall not be included, in computing the income of a corporation, income derived from the operation of a mine that came into production before 1974 to the extent that such income is gained or produced during the period commencing with the day on which the mine came into production and ending with the earlier of the 31st day of December, 1973 and the day thirty-six months after the day on which the mine came into production.

s. 106a,
enacted

7. The said Act is amended by adding thereto the following section:

Small
business
incentive

1970-71,
c. 63 (Can.)

106a.—(1) There may be deducted from the tax otherwise payable under this Part for a fiscal year by a corporation that, with respect to such fiscal year, was eligible for a deduction under section 125 of the *Income Tax Act* (Canada), an amount equal to the lesser of,

- (a) 5 per cent of its eligible taxable paid-up capital for the fiscal year; and
- (b) 6 per cent of the amount determined under subsection 2.

Idem

(2) For the purposes of clause *b* of subsection 1, the amount determined under this subsection is that proportion of the least of the amounts determined under paragraphs *a*, *b*, *c* and *d* of subsection 1 of section 125 of the *Income*

SECTION 6. This section amends section 75 of the Act to discontinue after December 31, 1973 the three-year tax exemption for mining companies.

SECTION 7. This section enacts a new section 106*a* of the Act to provide a small business incentive deduction to companies eligible for the small business deduction under section 125 of the *Income Tax Act* (Canada).

Tax Act (Canada) for the fiscal year, not exceeding \$50,000, that,

- (a) the amount of that portion of its taxable income for the fiscal year that is deemed to have been earned in Ontario, measured in accordance with paragraph *a* of subsection 4 of section 124 of the *Income Tax Act* (Canada),

1970-71,
c. 63 (Can.)

bears to

- (b) the total amount of the portions of its taxable income for the fiscal year that are deemed to have been earned in the provinces of Canada measured in accordance with paragraph *a* of subsection 4 of section 124 of the *Income Tax Act* (Canada).

(3) In addition to the deduction permitted under sub-^{Idem} section 1 there may be deducted from the tax otherwise payable under this Part for a fiscal year by a corporation, the amount, if any, by which the amount determined under clause *a* of subsection 1 exceeds the amount determined under clause *b* of that subsection for any of the five fiscal years immediately preceding the fiscal year to the extent that such amount has not previously been deducted under this subsection except that,

- (a) the amount that would otherwise be deductible under this subsection from the tax otherwise payable under this Part for a fiscal year shall not be deducted for any fiscal year in respect of which the corporation was not eligible for a deduction under section 125 of the *Income Tax Act* (Canada) or any subsequent fiscal year; and
- (b) in no case shall the additional deduction allowed under this subsection operate to permit a deduction for the fiscal year in excess of the amount determined under clause *b* of subsection 1 for the fiscal year.

(4) In this section,

Interpre-
tation

- (a) "eligible for a deduction under section 125 of the *Income Tax Act* (Canada)" means otherwise qualified for a deduction under section 125 of the *Income Tax Act* (Canada), notwithstanding that no deduction was allowed under that section for the fiscal year by reason only that the amount determined under paragraph *a* or *b* of subsection 1 of that section was nil for that fiscal year,

1970-71,
c. 63 (Can.)

and “not eligible for a deduction under section 125 of the *Income Tax Act* (Canada)” has a corresponding meaning;

(b) “eligible taxable paid-up capital for the fiscal year” means, in respect of any fiscal year ending after the 9th day of April, 1974, the amount, if any, by which,

(i) the taxable paid-up capital amount of a corporation for that fiscal year determined in accordance with subsection 6,

exceeds

(ii) the greatest of the taxable paid-up capital amounts of a corporation for the fiscal years ending on or after the 31st day of March, 1973 and before that fiscal year, determined in accordance with subsection 6,

minus any deduction required by subsection 5; and

(c) “tax otherwise payable under this Part” means the tax for the fiscal year otherwise payable by the corporation under this Part after making any deduction applicable under sections 103, 104, 105 and 106 but before making any deduction under this section.

Reduction
of eligible
paid-up
capital

(5) Where, for the purposes of section 132, part of the taxable paid-up capital of a corporation determined under Division B of Part III for the fiscal year is deemed to have been used in a jurisdiction outside Ontario, the amount determined under clause *b* of subsection 4 shall be reduced in the same ratio that the tax payable under section 131 is reduced for that fiscal year.

Taxable
paid-up
capital
amount

(6) For the purposes of clause *b* of subsection 4, “taxable paid-up capital amount” for a fiscal year means the amount of the taxable paid-up capital of the corporation determined under Division B of Part III for the fiscal year reduced by such of the following amounts as are applicable,

(a) the amount by which the taxable paid-up capital of the corporation for the fiscal year was increased by including in the paid-up capital of the corporation for that fiscal year any appraisal surplus;

(b) the amount by which the taxable paid-up capital of the corporation for the fiscal year was increased by including in the paid-up capital of the corporation for that fiscal year any amounts that in the opinion of the Minister are represented by,

(i) the corporation's year-end cash balances,

(ii) loans receivable from shareholders or any other person not dealing at arm's length with such shareholders or the corporation, or

(iii) assets transferred to the corporation in any manner whatsoever from a person with whom the corporation was not dealing at arm's length;

(c) the amount by which the taxable paid-up capital of the corporation for the fiscal year was increased by including in the paid-up capital of the corporation for that fiscal year amounts, other than eligible capital expenditure, represented by goodwill or other intangible assets;

(d) the amount by which the taxable paid-up capital of the corporation for the fiscal year was, in the opinion of the Minister, artificially increased for that fiscal year.

(7) For the purposes of this section, the following rules apply,

Special rules
re commence-
ment of
deduction

(a) where a corporation did not have a fiscal year ending prior to the 9th day of April, 1974, the deduction permitted under this section shall commence with the fiscal year immediately following the first fiscal year of the corporation that is not less than twelve months throughout which it carried on an active business in Canada;

(b) where the fiscal year of a corporation ending on or after the 31st day of March, 1973 is less than twelve months, or where a corporation did not carry on an active business in Canada throughout its fiscal year that included the 31st day of March, 1973, the deduction permitted under this section shall commence with the fiscal year immediately following the fiscal year of the corpora-

tion ending on or after the 31st day of March, 1973 that is not less than twelve months throughout which it carried on an active business in Canada.

s. 109a,
enacted

8. The said Act is further amended by adding thereto the following section:

Mortgage Investment Corporations

Deduction
from tax

109a.—(1) In computing the income for a fiscal year of a corporation that was, throughout the fiscal year, a mortgage investment corporation,

(a) there may be deducted the aggregate of,

- (i) all taxable dividends, other than capital gains dividends, paid by the corporation during the fiscal year or within ninety days after the end of the fiscal year (not exceeding the amount by which the taxable income of the corporation for the fiscal year, determined without regard to the provisions of this clause, exceeds the taxed capital gains of the corporation for the fiscal year) to the extent that such dividends were not deductible by the corporation in computing its income for the preceding fiscal year, and
- (ii) one-half of all capital gains dividends paid by the corporation during the period commencing ninety-one days after the commencement of the fiscal year and ending ninety days after the end of the fiscal year; and

(b) no deduction may be made under section 100 in respect of taxable dividends received by it from other corporations.

Dividend
equated to
bond interest

(2) For the purposes of this Act, any amount received from a mortgage investment corporation by a shareholder of the corporation as or on account of a taxable dividend, other than a capital gains dividend, shall be deemed to have been received by the shareholder as interest payable on a bond issued by the corporation after 1971.

Application
of subs. 2

(3) Subsection 2 applies where the taxable dividend (other than a capital gains dividend) therein described was paid during a fiscal year throughout which the paying

SECTION 8. This section enacts a new section 109*a* of the Act to provide special tax treatment for a newly defined type of company called mortgage investment corporations.

SECTION 9. This section amends section 127 of the Act to repeal the mine and mill allowance in the calculation of the paid-up capital tax of mining companies.

corporation was a mortgage investment corporation or within ninety days thereafter.

(4) Where at any particular time during the period ^{Electing capital gains dividend} commencing ninety-one days after the commencement of a fiscal year of a corporation that was, throughout the fiscal year, a mortgage investment corporation and ending ninety days after the end of the fiscal year, a dividend is paid by the corporation to shareholders of the corporation and the corporation has elected in respect of the full amount of the dividend in accordance with subsection 4 of section 130.1 of the *Income Tax Act* (Canada), ^{1970-71, c. 63 (Can.)}

(a) the dividend shall be deemed to be a capital gains dividend to the extent that it does not exceed,

(i) two times the taxed capital gains of the corporation for the fiscal year,

minus

(ii) such part, if any, of each dividend paid by the corporation during the period and before the particular time as is deemed by this subsection to be a capital gains dividend; and

(b) notwithstanding anything in this Act, any amount received by a corporation in a fiscal year as or on account of the dividend shall not be included in computing its income for the fiscal year as income from a share of the capital stock of the paying corporation, but shall be deemed to be a capital gain of the corporation for the fiscal year from the disposition of capital property.

(5) Notwithstanding any other provision of this Act, ^{Public corporation} a mortgage investment corporation shall be deemed to be a public corporation.

(6) For the purposes of this section, a corporation is ^{Meaning of "mortgage investment corporation"} a mortgage investment corporation throughout a fiscal year if, throughout the fiscal year, it was a mortgage investment corporation as defined by subsection 6 of section 130.1 of the *Income Tax Act* (Canada).

(7) In this section, "taxed capital gains" has the meaning ^{Interpretation} given to that expression by subsection 6 of section 109.

9.—(1) Clause *d* of subsection 1 of section 127 of the said ^{s. 127 (1) (d), repealed} Act is repealed.

s. 127 (2) (c),
repealed

(2) Clause *c* of subsection 2 of the said section 127 is repealed.

s. 135 (2),
re-enacted

10. Subsection 2 of section 135 of the said Act is repealed and the following substituted therefor:

Idem

(2) Subject to subsection 3, every corporation referred to in paragraph 30*a* of subsection 1 of section 1, section 109*a*, section 114 and clause *j* of subsection 1 of section 122 shall, in lieu of the tax payable under section 131 or 133, pay a tax of \$50.

Idem

(3) Subsection 2 does not apply in the case of a corporation referred to in paragraph 30*a* of subsection 1 of section 1 where, for the purposes of section 33, the Minister has determined that the corporation's chief source of income for a fiscal year is neither farming nor a combination of farming and some other source of income.

Commence-
ment and
application

11.—(1) In this section, "the principal Act" means *The Corporations Tax Act, 1972*, as amended by *The Corporations Tax Amendment Act, 1973 (No. 1)* and *The Corporations Tax Amendment Act, 1973 (No. 2)*.

Idem

(2) This Act, except sections 1, 2, 3, 4, 5, 7, 8, 9 and 10, comes into force on the day it receives Royal Assent.

Idem

(3) Sections 1, 5 and 10 shall be deemed to have come into force on the 9th day of April, 1974 and apply to corporations in respect of all fiscal years that end after that date.

Idem

(4) Sections 2, 3 and 4 shall be deemed to have come into force on the 10th day of April, 1974 and apply to corporations with respect to all fiscal years that end after the 9th day of April, 1974, except that, in determining the amount of income of a corporation under Part II of the principal Act, as amended by this Act, with respect to the fiscal year of a corporation that ends after the 9th day of April, 1974 and that includes that day, the following rules apply,

(a) determine the income under Part II of the principal Act, as amended by this Act that, but for the rules made applicable by this section, would be computed by the corporation for a fiscal year that ends after the 9th day of April, 1974 and that includes that day;

(b) determine the proportion of the amount determined under clause *a* that the number of days

SECTION 10. This section amends section 135 of the Act to provide a flat \$50 paid-up capital tax for family farm corporations and for mortgage investment corporations.

of the fiscal year that follow the 9th day of April, 1974 bears to the total number of days of that fiscal year;

- (c) determine the income that, but for the rules made applicable by this section, would be computed for the fiscal year that ends after the 9th day of April, 1974 and that includes that day under Part II of the principal Act as that Part stood prior to the 10th day of April, 1974, and on the assumption that that Part was applicable to that fiscal year;
- (d) determine that proportion of the amount determined under clause *c* that the number of days of the fiscal year prior to the 10th day of April, 1974 bears to the total number of days of that fiscal year;
- (e) determine the aggregate of the amounts determined under clauses *b* and *d* in respect of the corporation,

and the aggregate determined under clause *e* is the income under Part II of the principal Act, as amended by this Act, of a corporation for its fiscal year that ends after the 9th day of April, 1974, and that includes that day.

- (5) Section 9 shall be deemed to have come into force ^{Idem} on the 10th day of April, 1974, and applies to corporations with respect to all fiscal years that end after the 9th day of April, 1974, except that, in determining the amount of the deduction from paid-up capital of a corporation permitted under clause *d* of subsection 1 of section 127 of the principal Act, repealed by this Act, with respect to the fiscal year of a corporation that ends after the 9th day of April, 1974, and that includes that day, the following rules apply,

- (a) determine the deduction from paid-up capital permitted under clause *d* of subsection 1 of section 127 that, but for the rules made applicable by this section, would be deductible by the corporation for a fiscal year that ends after the 9th day of April, 1974 and that includes that day as that section stood prior to the 10th day of April, 1974, and on the assumption that that section was applicable to that fiscal year;

- (b) determine that proportion of the amount determined under clause *a* that the number of days of the fiscal year prior to the 10th day of April, 1974, bears to the total number of days of that fiscal year,

and the amount determined under clause *b* is the amount that is deductible by the corporation for its fiscal year that ends after the 9th day of April, 1974, and that includes that day.

Idem

- (6) Section 7 shall be deemed to have come into force on the 9th day of April, 1974 and applies to corporations in respect of all fiscal years that end after the 9th day of April, 1974, except that the amount to be determined under subsection 2 of section 106*a* for the fiscal year that ends after the 9th day of April, 1974 and that includes that day shall be that proportion thereof that the number of days of the fiscal year that follow the 9th day of April, 1974 bears to the total number of days of that fiscal year.

Idem

- (7) Section 8 shall be deemed to have come into force on the 1st day of January, 1972 and applies to any fiscal year of a mortgage investment corporation commencing after 1971.

Short title

- 12.** This Act may be cited as *The Corporations Tax Amendment Act, 1974*.

An Act to amend
The Corporations Tax Act, 1972

1st Reading

June 11th, 1974

2nd Reading

3rd Reading

THE HON. A. K. MEEN
Minister of Revenue

(Government Bill)

4TH SESSION, 29TH LEGISLATURE, ONTARIO
23 ELIZABETH II, 1974

*Legislative Assembly
Bill*

An Act to amend The Corporations Tax Act, 1972

THE HON. A. K. MEEN
Minister of Revenue



TORONTO

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An Act to amend The Corporations Tax Act, 1972

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

- 1.—(1) Subsection 1 of section 1 of *The Corporations Tax Act*, <sup>s. 1 (1),
amended</sup> 1972, being chapter 143, as amended by the Statutes of Ontario, 1973, chapter 157, section 1, is further amended by adding thereto the following paragraph:

30a. “family farm corporation” means a corporation that is throughout the fiscal year a corporation,

- i. every share of the capital stock of which that confers on the holder thereof the right to vote was owned by an individual ordinarily resident in Canada or by such individual and a member or members of his family ordinarily resident in Canada,
- ii. 95 per cent of the assets of which were farming assets, and
- iii. which carried on the business of farming in Ontario through the employment of a shareholder or a member of his family actually engaged in the operation of the farm.

- (2) Paragraph 31 of subsection 1 of the said section 1 <sup>is s. 1 (1), par. 31,
re-enacted</sup> repealed and the following substituted therefor:

31. “farming” includes tillage of the soil, live stock raising or exhibiting, maintaining of horses for racing, raising of poultry, fur farming, dairy farming, fruit growing, and the keeping of bees, but does not include an office or employment under a person engaged in the business of farming and, for the purposes of subsection 2 of section 135 only, does not include the maintaining of horses for racing;

31a. "farming assets" of a family farm corporation means,

- i. cash, trade accounts receivable, supplies and inventory of commodities or things produced, raised or grown through farming,
- ii. land, buildings, equipment, machinery and live stock that are used chiefly in the operation of the farm by the corporation,
- iii. any right or licence granted or issued under any Act of the Legislature that permits or regulates the production or sale of any commodity or thing produced, raised or grown through farming,
- iv. the building in which a shareholder or a member or members of his family reside who are engaged in the operation of the farm if that building is on land that is used or is contiguous to land used by that shareholder or member or members of his family in the operation of the farm,
- v. shares in another family farm corporation.

s. 1 (1),
amended

(3) Subsection 1 of the said section 1 is further amended by adding thereto the following paragraph:

43a. "member of his family" means, with respect to an individual referred to in paragraph 30a,

- i. his spouse,
- ii. his child,
- iii. his father, mother, brother or sister or any lawful descendant of such brother or sister,
- iv. the brother or sister of his father or mother or any lawful descendant of any such brother or sister,
- v. the father, mother or any brother or sister of his spouse or any lawful descendant of any such brother or sister,
- vi. his son-in-law or daughter-in-law,
- vii. a person adopted by him under *The Child Welfare Act* or the spouse or any lawful descendant of such person, or
- viii. his grandfather or grandmother.

R.S.O. 1970.
c. 64

2. Subsection 1 of section 22 of the said Act, as amended by <sup>s. 22 (1),
amended</sup> the Statutes of Ontario, 1973, chapter 42, section 4, is further amended by adding thereto the following clause:

(n) an amount paid or payable by a corporation to a <sup>Mineral
resource
taxes</sup> jurisdiction in respect of a mining royalty tax or a mining tax based on the production of or profits from the operation of a mineral resource in the jurisdiction for the fiscal year, except as permitted by regulation.

3. Clause *x* of subsection 1 of section 24 of the said Act is <sup>s. 24 (1) (x),
repealed</sup> repealed.

4. Subsections 1 and 2 of section 62 of the said Act, as <sup>s. 62 (1, 2),
re-enacted</sup> re-enacted by the Statutes of Ontario, 1973, chapter 157, section 16, are repealed and the following substituted therefor:

(1) Except as otherwise provided in this section, there <sup>Allowance
for oil or
gas well,
mine or
timber limit</sup> may be deducted in computing a corporation's income for a fiscal year such amount as an allowance, if any, in respect of,

(a) an oil or gas well, mineral resource or timber limit; or

(b) the processing, to the prime metal stage or its equivalent, of ore from a mineral resource.

that is $33\frac{1}{3}$ per cent of the amount of the production profits or other subject of allowance of the corporation for the fiscal year as is prescribed by regulation.

(1a) Where a corporation has income for a fiscal year <sup>Allowance for
oil and gas
well outside
Canada</sup> from an oil well or gas well that is outside Canada, there may be deducted in computing the corporation's income for a fiscal year, such amount as an allowance, if any, as is allowed by regulation.

(2) For greater certainty it is hereby declared that, in ^{Regulations} the case of a regulation made under subsection 1 prescribing the amount of production profits or other subject of allowance of a corporation in respect of an oil or gas well or a mineral resource or in respect of the processing of ore,

(a) there may be prescribed by such regulation an amount in respect of any or all,

(i) oil or gas wells or mineral resources in which the corporation has an interest, or

(ii) processing operations described in clause *b* of subsection 1 that are carried on by the corporation; and

(*b*) notwithstanding any other provision in this Act, the Lieutenant Governor in Council may prescribe the formula by which the amount of production profits or other subject of allowance of the corporation shall be determined.

Idem

(2*a*) For greater certainty it is hereby declared that, in the case of a regulation made under subsection 1*a* allowing to a corporation an amount in respect of an oil or gas well that is outside Canada,

(*a*) there may be allowed to the corporation by such regulation an amount in respect of any or all oil or gas wells in which the corporation has any interest; and

(*b*) notwithstanding any other provision in this Act, the Lieutenant Governor in Council may prescribe the formula by which the amount that may be allowed to the corporation by such regulation shall be determined.

s. 63,
amended

5.—(1) Section 63 of the said Act, as amended by the Statutes of Ontario, 1973, chapter 157, section 17, is further amended by adding thereto the following subsection:

Idem

(3*a*) A corporation other than a principal-business corporation may deduct, in computing its income for a fiscal year, the lesser of,

(*a*) the aggregate of such of its Ontario exploration and development expenses as were incurred by it before the end of the fiscal year to the extent that they were not deducted in computing its income for a previous year, minus that portion of the deduction allowed, if any, in computing its income for the fiscal year under subsection 2 or 3 which is reasonably attributable to Ontario exploration and development expenses; and

(*b*) that portion of the amount determined under clause *a* equal to the amount of its income for the fiscal year if no deductions were allowed under this section, minus,

(i) that portion of the deduction allowed for the fiscal year under subsection 2 or 3 which is

reasonably attributable to Ontario exploration and development expenses, and

- (ii) the deduction allowed for the fiscal year under section 100.

- (2) Subsection 4 of the said section 63 is amended by striking^{s. 63 (4), amended} out "subsection 3" in the first line and inserting in lieu thereof "subsections 3 and 3a".
- (3) Subsection 9 of the said section 63 is amended by striking^{s. 63 (9), amended} out "In computing a corporation's Canadian exploration and development expenses" in the first and second lines and inserting in lieu thereof "In computing the Canadian exploration and development expenses and Ontario exploration and development expenses of a corporation".
- (4) Subsection 10 of the said section 63 is amended by^{s. 63 (10), amended} striking out "Where" in the first line and inserting in lieu thereof "Except as otherwise provided in this section, where".
- (5) The said section 63 is further amended by adding thereto^{s. 63, amended} the following subsection:

(10a) Notwithstanding subsection 10, where a corpora-^{Idem}tion other than a principal-business corporation has incurred expenses the deduction of which from income is allowable under subsection 2, 3 or 3a,

- (a) a corporation that is entitled to a deduction under subsection 2 may, in addition to that deduction, deduct such additional amount as it may claim in respect of Ontario exploration and development expenses under subsection 3a; and

- (b) a corporation that is entitled to a deduction under subsection 3 may, in addition to that deduction, deduct such additional amount as it may claim in respect of Ontario exploration and development expenses under subsection 3a.

- (6) Subsection 12 of the said section 63, as amended by the^{s. 63 (12), amended} Statutes of Ontario, 1973, chapter 157, section 17, is further amended by adding thereto the following clauses:

- (ea) "Ontario exploration and development expenses" incurred by a corporation means any expenses that would be Canadian exploration and development expenses incurred by the corporation if clause b of this subsection were read as if the references therein to,

- (i) "in Canada" were references to "in Ontario",
 - (ii) "after 1971" were references to "after the 9th day of April, 1974", and
 - (iii) "Canadian" were references to "Ontario";
- (eb) "Ontario resource property" of a corporation means any property that would be a Canadian resource property of the corporation if clause *c* of this subsection were read as if the references therein to,
- (i) "in Canada" were references to "in Ontario", and
 - (ii) "after 1971" were references to "after the 9th day of April, 1974".

s. 75 (2) (a),
re-enacted

6. Clause *a* of subsection 2 of section 75 of the said Act is repealed and the following substituted therefor:

Exemption
for three
years

- (a) Subject to the prescribed conditions, there shall not be included, in computing the income of a corporation, income derived from the operation of a mine that came into production before 1974 to the extent that such income is gained or produced during the period commencing with the day on which the mine came into production and ending with the earlier of the 31st day of December, 1973 and the day thirty-six months after the day on which the mine came into production.

s. 106a,
enacted

7. The said Act is amended by adding thereto the following section:

Small
business
incentive

1970-71.
c. 63 (Can.)

106a.—(1) There may be deducted from the tax otherwise payable under this Part for a fiscal year by a corporation that, with respect to such fiscal year, was eligible for a deduction under section 125 of the *Income Tax Act* (Canada), an amount equal to the lesser of,

- (a) 5 per cent of its eligible taxable paid-up capital for the fiscal year; and
- (b) 6 per cent of the amount determined under subsection 2.

Idem

(2) For the purposes of clause *b* of subsection 1, the amount determined under this subsection is that proportion of the least of the amounts determined under paragraphs *a*, *b*, *c* and *d* of subsection 1 of section 125 of the *Income*

Tax Act (Canada) for the fiscal year, not exceeding \$50,000, that,

- (a) the amount of that portion of its taxable income for the fiscal year that is deemed to have been earned in Ontario, measured in accordance with paragraph *a* of subsection 4 of section 124 of the *Income Tax Act* (Canada), 1970-71,
c. 63 (Can.)

bears to

- (b) the total amount of the portions of its taxable income for the fiscal year that are deemed to have been earned in the provinces of Canada measured in accordance with paragraph *a* of subsection 4 of section 124 of the *Income Tax Act* (Canada).

(3) In addition to the deduction permitted under sub-Idem section 1 there may be deducted from the tax otherwise payable under this Part for a fiscal year by a corporation, the amount, if any, by which the amount determined under clause *a* of subsection 1 exceeds the amount determined under clause *b* of that subsection for any of the five fiscal years immediately preceding the fiscal year to the extent that such amount has not previously been deducted under this subsection except that,

- (a) the amount that would otherwise be deductible under this subsection from the tax otherwise payable under this Part for a fiscal year shall not be deducted for any fiscal year in respect of which the corporation was not eligible for a deduction under section 125 of the *Income Tax Act* (Canada) or any subsequent fiscal year; and
- (b) in no case shall the additional deduction allowed under this subsection operate to permit a deduction for the fiscal year in excess of the amount determined under clause *b* of subsection 1 for the fiscal year.

(4) In this section,

Interpre-
tation

- (a) "eligible for a deduction under section 125 of the *Income Tax Act* (Canada)" means otherwise qualified for a deduction under section 125 of the *Income Tax Act* (Canada), notwithstanding that no deduction was allowed under that section for the fiscal year by reason only that the amount determined under paragraph *a* or *b* of subsection 1 of that section was nil for that fiscal year,

1970-71,
c. 63 (Can.)

and "not eligible for a deduction under section 125 of the *Income Tax Act* (Canada)" has a corresponding meaning;

(b) "eligible taxable paid-up capital for the fiscal year" means, in respect of any fiscal year ending after the 9th day of April, 1974, the amount, if any, by which,

(i) the taxable paid-up capital amount of a corporation for that fiscal year determined in accordance with subsection 6,

exceeds

(ii) the greatest of the taxable paid-up capital amounts of a corporation for the fiscal years ending on or after the 31st day of March, 1973 and before that fiscal year, determined in accordance with subsection 6,

minus any deduction required by subsection 5; and

(c) "tax otherwise payable under this Part" means the tax for the fiscal year otherwise payable by the corporation under this Part after making any deduction applicable under sections 103, 104, 105 and 106 but before making any deduction under this section.

Reduction
of eligible
paid-up
capital

(5) Where, for the purposes of section 132, part of the taxable paid-up capital of a corporation determined under Division B of Part III for the fiscal year is deemed to have been used in a jurisdiction outside Ontario, the amount determined under clause *b* of subsection 4 shall be reduced in the same ratio that the tax payable under section 131 is reduced for that fiscal year.

Taxable
paid-up
capital
amount

(6) For the purposes of clause *b* of subsection 4, "taxable paid-up capital amount" for a fiscal year means the amount of the taxable paid-up capital of the corporation determined under Division B of Part III for the fiscal year reduced by such of the following amounts as are applicable,

(a) the amount by which the taxable paid-up capital of the corporation for the fiscal year was increased by including in the paid-up capital of the corporation for that fiscal year any appraisal surplus;

(b) the amount by which the taxable paid-up capital of the corporation for the fiscal year was increased by including in the paid-up capital of the corporation for that fiscal year any amounts that in the opinion of the Minister are represented by,

(i) the corporation's year-end cash balances,

(ii) loans receivable from shareholders or any other person not dealing at arm's length with such shareholders or the corporation, or

(iii) assets transferred to the corporation in any manner whatsoever from a person with whom the corporation was not dealing at arm's length;

(c) the amount by which the taxable paid-up capital of the corporation for the fiscal year was increased by including in the paid-up capital of the corporation for that fiscal year amounts, other than eligible capital expenditure, represented by goodwill or other intangible assets;

(d) the amount by which the taxable paid-up capital of the corporation for the fiscal year was, in the opinion of the Minister, artificially increased for that fiscal year.

(7) For the purposes of this section, the following rules apply, Special rules re commencement of deduction

(a) where a corporation did not have a fiscal year ending prior to the 9th day of April, 1974, the deduction permitted under this section shall commence with the fiscal year immediately following the first fiscal year of the corporation that is not less than twelve months throughout which it carried on an active business in Canada;

(b) where the fiscal year of a corporation ending on or after the 31st day of March, 1973 is less than twelve months, or where a corporation did not carry on an active business in Canada throughout its fiscal year that included the 31st day of March, 1973, the deduction permitted under this section shall commence with the fiscal year immediately following the fiscal year of the corpora-

tion ending on or after the 31st day of March, 1973 that is not less than twelve months throughout which it carried on an active business in Canada.

s. 109a.
enacted

8. The said Act is further amended by adding thereto the following section:

Mortgage Investment Corporations

Deduction
from tax

109a.—(1) In computing the income for a fiscal year of a corporation that was, throughout the fiscal year, a mortgage investment corporation,

(a) there may be deducted the aggregate of,

(i) all taxable dividends, other than capital gains dividends, paid by the corporation during the fiscal year or within ninety days after the end of the fiscal year (not exceeding the amount by which the taxable income of the corporation for the fiscal year, determined without regard to the provisions of this clause, exceeds the taxed capital gains of the corporation for the fiscal year) to the extent that such dividends were not deductible by the corporation in computing its income for the preceding fiscal year, and

(ii) one-half of all capital gains dividends paid by the corporation during the period commencing ninety-one days after the commencement of the fiscal year and ending ninety days after the end of the fiscal year; and

(b) no deduction may be made under section 100 in respect of taxable dividends received by it from other corporations.

Dividend
equated to
bond interest

(2) For the purposes of this Act, any amount received from a mortgage investment corporation by a shareholder of the corporation as or on account of a taxable dividend, other than a capital gains dividend, shall be deemed to have been received by the shareholder as interest payable on a bond issued by the corporation after 1971.

Application
of subs. 2

(3) Subsection 2 applies where the taxable dividend (other than a capital gains dividend) therein described was paid during a fiscal year throughout which the paying

corporation was a mortgage investment corporation or within ninety days thereafter.

(4) Where at any particular time during the period ^{Electing capital gains dividend} commencing ninety-one days after the commencement of a fiscal year of a corporation that was, throughout the fiscal year, a mortgage investment corporation and ending ninety days after the end of the fiscal year, a dividend is paid by the corporation to shareholders of the corporation and the corporation has elected in respect of the full amount of the dividend in accordance with subsection 4 of section 130.1 of the *Income Tax Act* (Canada), ^{1970-71, c. 63 (Can.)}

(a) the dividend shall be deemed to be a capital gains dividend to the extent that it does not exceed,

(i) two times the taxed capital gains of the corporation for the fiscal year,

minus

(ii) such part, if any, of each dividend paid by the corporation during the period and before the particular time as is deemed by this subsection to be a capital gains dividend; and

(b) notwithstanding anything in this Act, any amount received by a corporation in a fiscal year as or on account of the dividend shall not be included in computing its income for the fiscal year as income from a share of the capital stock of the paying corporation, but shall be deemed to be a capital gain of the corporation for the fiscal year from the disposition of capital property.

(5) Notwithstanding any other provision of this Act, ^{Public corporation} a mortgage investment corporation shall be deemed to be a public corporation.

(6) For the purposes of this section, a corporation is ^{Meaning of "mortgage investment corporation"} a mortgage investment corporation throughout a fiscal year if, throughout the fiscal year, it was a mortgage investment corporation as defined by subsection 6 of section 130.1 of the *Income Tax Act* (Canada).

(7) In this section, "taxed capital gains" has the mean- ^{Interpre- tation} ing given to that expression by subsection 6 of section 109.

9.—(1) Clause *d* of subsection 1 of section 127 of the said ^{s. 127 (1) (d), repealed} Act is repealed.

s. 127 (2) (c),
repealed

- (2) Clause *c* of subsection 2 of the said section 127 is repealed.

s. 135 (2),
re-enacted

10. Subsection 2 of section 135 of the said Act is repealed and the following substituted therefor:

Idem

- (2) Subject to subsection 3, every corporation referred to in paragraph 30*a* of subsection 1 of section 1, section 109*a*, section 114 and clause *j* of subsection 1 of section 122 shall, in lieu of the tax payable under section 131 or 133, pay a tax of \$50.

Idem

- (3) Subsection 2 does not apply in the case of a corporation referred to in paragraph 30*a* of subsection 1 of section 1 where, for the purposes of section 33, the Minister has determined that the corporation's chief source of income for a fiscal year is neither farming nor a combination of farming and some other source of income.

Commence-
ment and
application

- 11.—(1) In this section, "the principal Act" means *The Corporations Tax Act, 1972*, as amended by *The Corporations Tax Amendment Act, 1973 (No. 1)* and *The Corporations Tax Amendment Act, 1973 (No. 2)*.

Idem

- (2) This Act, except sections 1, 2, 3, 4, 5, 7, 8, 9 and 10, comes into force on the day it receives Royal Assent.

Idem

- (3) Sections 1, 5 and 10 shall be deemed to have come into force on the 9th day of April, 1974 and apply to corporations in respect of all fiscal years that end after that date.

Idem

- (4) Sections 2, 3 and 4 shall be deemed to have come into force on the 10th day of April, 1974 and apply to corporations with respect to all fiscal years that end after the 9th day of April, 1974, except that, in determining the amount of income of a corporation under Part II of the principal Act, as amended by this Act, with respect to the fiscal year of a corporation that ends after the 9th day of April, 1974 and that includes that day, the following rules apply,

- (a) determine the income under Part II of the principal Act, as amended by this Act that, but for the rules made applicable by this section, would be computed by the corporation for a fiscal year that ends after the 9th day of April, 1974 and that includes that day;

- (b) determine the proportion of the amount determined under clause *a* that the number of days

of the fiscal year that follow the 9th day of April, 1974 bears to the total number of days of that fiscal year;

- (c) determine the income that, but for the rules made applicable by this section, would be computed for the fiscal year that ends after the 9th day of April, 1974 and that includes that day under Part II of the principal Act as that Part stood prior to the 10th day of April, 1974, and on the assumption that that Part was applicable to that fiscal year;
- (d) determine that proportion of the amount determined under clause *c* that the number of days of the fiscal year prior to the 10th day of April, 1974 bears to the total number of days of that fiscal year;
- (e) determine the aggregate of the amounts determined under clauses *b* and *d* in respect of the corporation,

and the aggregate determined under clause *e* is the income under Part II of the principal Act, as amended by this Act, of a corporation for its fiscal year that ends after the 9th day of April, 1974, and that includes that day.

- (5) Section 9 shall be deemed to have come into force ^{Idem} on the 10th day of April, 1974, and applies to corporations with respect to all fiscal years that end after the 9th day of April, 1974, except that, in determining the amount of the deduction from paid-up capital of a corporation permitted under clause *d* of subsection 1 of section 127 of the principal Act, repealed by this Act, with respect to the fiscal year of a corporation that ends after the 9th day of April, 1974, and that includes that day, the following rules apply,

- (a) determine the deduction from paid-up capital permitted under clause *d* of subsection 1 of section 127 that, but for the rules made applicable by this section, would be deductible by the corporation for a fiscal year that ends after the 9th day of April, 1974 and that includes that day as that section stood prior to the 10th day of April, 1974, and on the assumption that that section was applicable to that fiscal year;

- (b) determine that proportion of the amount determined under clause *a* that the number of days of the fiscal year prior to the 10th day of April, 1974, bears to the total number of days of that fiscal year,

and the amount determined under clause *b* is the amount that is deductible by the corporation for its fiscal year that ends after the 9th day of April, 1974, and that includes that day.

Idem

- (6) Section 7 shall be deemed to have come into force on the 9th day of April, 1974 and applies to corporations in respect of all fiscal years that end after the 9th day of April, 1974, except that the amount to be determined under subsection 2 of section 106*a* for the fiscal year that ends after the 9th day of April, 1974 and that includes that day shall be that proportion thereof that the number of days of the fiscal year that follow the 9th day of April, 1974 bears to the total number of days of that fiscal year.

Idem

- (7) Section 8 shall be deemed to have come into force on the 1st day of January, 1972 and applies to any fiscal year of a mortgage investment corporation commencing after 1971.

Short title

- 12.** This Act may be cited as *The Corporations Tax Amendment Act, 1974*.

An Act to amend
The Corporations Tax Act, 1972

1st Reading

June 11th, 1974

2nd Reading

November 18th, 1974

3rd Reading

November 28th, 1974

THE HON. A. K. MEEN
Minister of Revenue

CA20N
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-B56

Government
Publications

BILL 83

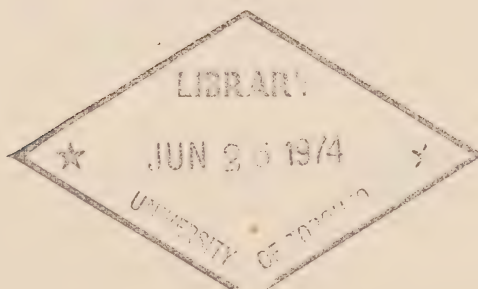
Government Bill

4TH SESSION, 29TH LEGISLATURE, ONTARIO
23 ELIZABETH II, 1974

Legislative Assembly

An Act respecting the City of Port Colborne

THE HON. J. WHITE
Treasurer of Ontario and Minister of Economics
and Intergovernmental Affairs



TORONTO

PRINTED BY J. C. THATCHER, QUEEN'S PRINTER FOR ONTARIO

EXPLANATORY NOTE

The purpose of the Bill is:

1. To authorize the use of the proceeds of debentures in the amount of \$140,000, issued towards the cost of certain sewers and connections in the City of Port Colborne, for any other capital expenditure of the City.
2. To authorize the granting of a loan by the Treasurer of Ontario to the City of Port Colborne under the Federal-Provincial-Municipal Employment Loans Program to defray the cost of the said sewers and connections, a portion of the loan being secured by debenture and the balance being forgivable under the terms of the loan program.

BILL 83

1974

An Act respecting the City of Port Colborne

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. The proceeds of the sale of debentures dated the 15th day of November, 1972, in the amount of \$140,000 issued by The Regional Municipality of Niagara under By-law Number 559-507-72 towards the cost of construction of sanitary sewers and house connections on Elm Street and Barrick Road in the City of Port Colborne may, without obtaining the approval of the Ontario Municipal Board, be applied to meet any other capital expenditures of The Corporation of the City of Port Colborne.

Transfer
of funds
authorized

2. A loan shall be granted by the Treasurer of Ontario to The Corporation of the City of Port Colborne under the Federal-Provincial-Municipal Employment Loans Program, 1971, in the amount of \$118,150 in connection with the construction of the said sanitary sewers and connections, and, notwithstanding *The Regional Municipality of Niagara Act*, The Regional Municipality of Niagara shall issue a debenture payable to the Treasurer of Ontario in the amount of \$87,730 for the said purpose of The Corporation of the City of Port Colborne, repayable in not more than twenty years, by equal annual instalments with semi-annual payment of interest at the rate of 7 per cent per annum, to secure the said loan, less the forgiveness amount of \$30,420 under the said Program.

Loan author-
ization

R.S.O. 1970,
c. 406

3. For the purposes of every Act, it shall not be necessary for the Ontario Municipal Board to grant its approval or certificate as to the validity of the debenture issued to the Treasurer of Ontario in the amount of \$87,730, and, notwithstanding the previous issue of debentures under By-law Number 559-507-72, the Ontario Municipal Board shall be deemed to have issued an order under section 64 of *The Ontario Municipal Board Act* authorizing The Regional Municipality of Niagara to issue the debenture under section 2.

Certificate
and order of
O.M.B.
dispensed
with

R.S.O. 1970,
c. 323

Commence-
ment

4. This Act comes into force on the day it receives Royal Assent.

Short title

5. This Act may be cited as *The City of Port Colborne Act, 1974*.

An Act respecting
the City of Port Colborne

1st Reading

June 13th, 1974

2nd Reading

3rd Reading

THE HON. J. WHITE
Treasurer of Ontario and
Minister of Economics and
Intergovernmental Affairs

(Government Bill)

BILL 83

CA20N

XB

-B 56

4TH SESSION, 29TH LEGISLATURE, ONTARIO
23 ELIZABETH II, 1974

An Act respecting the City of Port Colborne

THE HON. J. WHITE
Treasurer of Ontario and Minister of Economics
and Intergovernmental Affairs



TORONTO

PRINTED BY J. C. THATCHER, QUEEN'S PRINTER FOR ONTARIO

BILL 83

1974

An Act respecting the City of Port Colborne

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. The proceeds of the sale of debentures dated the 15th day of November, 1972, in the amount of \$140,000 issued by The Regional Municipality of Niagara under By-law Number 559-507-72 towards the cost of construction of sanitary sewers and house connections on Elm Street and Barrick Road in the City of Port Colborne may, without obtaining the approval of the Ontario Municipal Board, be applied to meet any other capital expenditures of The Corporation of the City of Port Colborne.

Transfer
of funds
authorized

2. A loan shall be granted by the Treasurer of Ontario to The Corporation of the City of Port Colborne under the Federal-Provincial-Municipal Employment Loans Program, 1971, in the amount of \$118,150 in connection with the construction of the said sanitary sewers and connections, and, notwithstanding *The Regional Municipality of Niagara Act*, The Regional Municipality of Niagara shall issue a debenture payable to the Treasurer of Ontario in the amount of \$87,730 for the said purpose of The Corporation of the City of Port Colborne, repayable in not more than twenty years, by equal annual instalments with semi-annual payment of interest at the rate of 7 per cent per annum, to secure the said loan, less the forgiveness amount of \$30,420 under the said Program.

Loan author-
ization

R.S.O. 1970,
c. 406

3. For the purposes of every Act, it shall not be necessary for the Ontario Municipal Board to grant its approval or certificate as to the validity of the debenture issued to the Treasurer of Ontario in the amount of \$87,730, and, notwithstanding the previous issue of debentures under By-law Number 559-507-72, the Ontario Municipal Board shall be deemed to have issued an order under section 64 of *The Ontario Municipal Board Act* authorizing The Regional Municipality of Niagara to issue the debenture under section 2.

Certificate
and order of
O.M.B.
dispensed
with

R.S.O. 1970,
c. 323

Commence-
ment

4. This Act comes into force on the day it receives Royal Assent.

Short title

5. This Act may be cited as *The City of Port Colborne Act, 1974*.

An Act respecting
the City of Port Colborne

1st Reading

June 13th, 1974

2nd Reading

June 25th, 1974

3rd Reading

June 25th, 1974

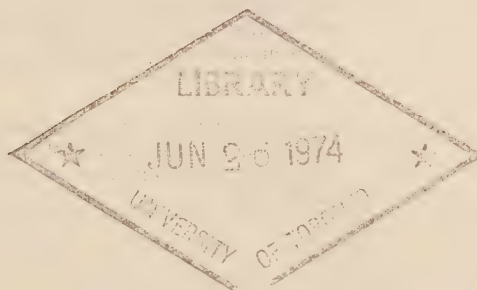
THE HON. J. WHITE
Treasurer of Ontario and
Minister of Economics and
Intergovernmental Affairs

4TH SESSION, 29TH LEGISLATURE, ONTARIO
23 ELIZABETH II, 1974

legislative Assembly

**An Act to amend The Ontario Planning
and Development Act, 1973**

THE HON. J. WHITE
Treasurer of Ontario and Minister of Economics
and Intergovernmental Affairs



TORONTO

PRINTED BY J. C. THATCHER, QUEEN'S PRINTER FOR ONTARIO

EXPLANATORY NOTES

SECTION 1. The definition of "development plan" is restated and a definition of "development planning area" is added. The intent is to make it clear that within a development planning area more than one development plan may be prepared, each covering a defined portion of the area.

SECTION 2.—Subsection 1. The subsection being amended empowers the Minister, by order, to establish a development planning area. The amendment is to clarify the Minister's power to from time to time alter the boundaries of a planning area.

Subsection 2. Complementary to subsection 1 in relation to the requirement that an order of the Minister under subsection 1 be laid before the Assembly; the requirement is extended to any amending order made by the Minister.

BILL 84

1974

An Act to amend The Ontario Planning and Development Act, 1973

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Clause *a* of section 1 of *The Ontario Planning and Development Act, 1973*, being chapter 51, is repealed and the following substituted therefor: s. 1 (a),
re-enacted

(a) "development plan" means a plan, policy and program, or any part thereof, approved by the Lieutenant Governor in Council, covering a development planning area or a portion thereof, as defined therein, designed to promote the optimum economic, social, environmental and physical condition of the area, and consisting of the texts and maps describing the program and policy;

(aa) "development planning area" means an area of land in Ontario in respect of which an order is made under section 2.

- 2.—(1) Subsection 1 of section 2 of the said Act is amended s. 2 (1),
amended by adding at the end thereof "and the Minister may alter the boundaries of the area defined as a development planning area by amendment to the order".

- (2) Subsection 3 of the said section 2 is repealed and s. 2 (3),
re-enacted the following substituted therefor:

(3) Where any order or amendment thereto is made under subsection 1, the Minister shall, on the day the order or amending order is made, or as soon thereafter as is practicable, lay the order or amending order before the Assembly if it is in session or, if not, at the commencement of the next ensuing session and the Assembly shall, by resolution, declare the order or amending order approved, revoked or varied. Order or
amending
order to
be laid
before
Assembly

s. 4,
re-enacted

3. Section 4 of the said Act is repealed and the following substituted therefor:

Consulta-
tion with
municipali-
ties

4. The Minister shall ensure that the council of each municipality having jurisdiction over any area of land for which a development plan is to be prepared, and any municipality which abuts such area of land, is consulted with respect to the proposed contents of such plan.

s. 6,
re-enacted

4. Section 6 of the said Act is repealed and the following substituted therefor:

Proposed
development
plan to be
furnished
to municipi-
palities,
etc.

6.—(1) In respect of any area of land for which a development plan is to be prepared, the Minister shall cause a proposed development plan to be prepared and shall ensure that,

- (a) each municipality within such area is furnished with a copy of the proposed development plan and invited to make comments thereon within such period of time, not being less than three months from the time the plan is furnished to it, as is specified;
- (b) a notice is published in one or more newspapers having general circulation in such area notifying the public of the proposed development plan, indicating where a copy of the plan together with the material used in preparation thereof mentioned in subsection 5 can be examined and inviting the submission of comments thereon within such period of time, not being less than three months from the time the notice is first published, as is specified; and
- (c) any advisory committee appointed under section 3 and empowered under that section to make recommendations relating to the preparation and implementation of a development plan covering the area is furnished with a copy of the proposed development plan and invited to make comments thereon within such period of time, not being less than three months from the time the plan is furnished to the committee, as is specified.

Hearing
officer

(2) Prior to, upon or after the expiration of time for the making of comments on the proposed development plan, the Minister shall appoint one or more hearing officers for the purpose of conducting one or more hearings, as the Minister may determine, within the area or in

SECTION 3. In its present form the section being re-enacted requires consultation with all municipalities within a planning area respecting the contents of a development plan that is being prepared. As re-enacted, it will be only those municipalities having jurisdiction over any area of land to be affected by the plan, and those municipalities that abut the area, that will be consulted.

SECTION 4. The section being re-enacted sets out the procedures to be followed in respect of notification, hearings and the submission of a proposed development plan to the Lieutenant Governor in Council for approval. The re-enactment is designed to clarify these procedures and the principal substantive changes are the following:

1. Subsection 2 of section 6 of the Act will now permit the Minister to appoint hearing officers before the expiration of the time for making comments on the proposed plan, and hearings may be held not only within the affected area but also in its general proximity.
2. Subsection 4 of section 6 will now specify that a hearing not be held before the expiration of the time for the making of comments on the proposed plan, in the light of the Minister's power to appoint hearing officers at an earlier date.
3. Subsection 6 of section 6 will now provide that separate reports are to be submitted for each part of a planning area in respect of which a hearing or a series of hearings was held.

the general proximity thereof, for the purpose of receiving representations respecting the contents of the plan by any person desiring to make representations, and separate hearings may be conducted at different times and places for different parts of the planning area.

(3) A hearing officer shall fix the time and place for the hearing or hearings as determined under subsection 2, and shall publish notice thereof in one or more newspapers having in his opinion general circulation in the area. ^{Notice of hearing}

(4) The time fixed for any hearing under subsection 3 shall be not sooner than three weeks after the first publication of the notice of hearing and not before the expiration of the time for the making of comments on the proposed development plan. ^{Time of hearing}

(5) At any such hearing, the Minister or any officials of a ministry or any other person that may be approved by the Minister shall present the proposed development plan and the justification therefor and shall make available for public inspection research material, reports, plans and the like that were used in the preparation of such plan and, subject to the rules of procedure adopted by the hearing officer for the conduct of the hearing, the persons presenting the plan may be questioned on any aspect of the plan by any interested person. ^{Procedure at hearing}

(6) Not more than three months after the conclusion of the hearing or of the last hearing if more hearings than one are held or within such extended time as the Minister prescribes, the hearing officer conducting the hearing or hearings shall report to the Minister a summary of the representations made together with a report stating whether the plan should be accepted, rejected or modified, giving his reasons therefor, and separate reports shall be submitted for each part of the planning area for which a hearing or hearings was conducted. ^{Report of hearing officer}

(7) A copy of the report of the hearing officer, or a copy of each report, if separate hearings were held, shall be made available in the office of the Minister, in the office of the clerk of each municipality, the whole or any part of which is within the area, and in such other offices and locations as the Minister determines for inspection by any person desiring to do so. ^{Inspection of report}

(8) After giving consideration to the comments received and the report or reports, if there is more than one, of the hearing officer, the Minister shall submit the proposed plan to the Lieutenant Governor in Council. ^{Submission of proposed plan to Lieutenant Governor in Council}

posed development plan with his recommendations thereon to the Lieutenant Governor in Council.

When report
not
approved

(9) If the recommendation of the Minister to the Lieutenant Governor in Council is other than that the report or reports, if there is more than one, of the hearing officer, be approved, then the Minister shall give public notice to this effect, state his intention, and a period of twenty-one days allowed when representations in writing can be made by anyone concerned to the Lieutenant Governor in Council.

Approval of
plan by
Lieutenant
Governor in
Council

(10) The Lieutenant Governor in Council may approve the plan, or may approve the plan with such modifications as the Lieutenant Governor in Council considers desirable, and thereupon the plan is the development plan for the area defined in it.

Commence-
ment

5. This Act comes into force on the day it receives Royal Assent.

Short title

6. This Act may be cited as *The Ontario Planning and Development Amendment Act, 1974*.

An Act to amend
The Ontario Planning and
Development Act, 1973

1st Reading

June 13th, 1974

2nd Reading

3rd Reading

THE HON. J. WHITE
Treasurer of Ontario and
Minister of Economics and
Intergovernmental Affairs

(Government Bill)

CA20N

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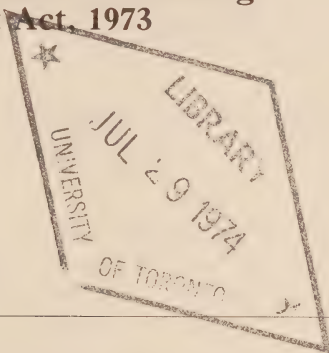
-B 56

BILL 84

Government
Publications

4TH SESSION, 29TH LEGISLATURE, ONTARIO
23 ELIZABETH II, 1974

**An Act to amend The Ontario Planning
and Development Act, 1973**



THE HON. J. WHITE
Treasurer of Ontario and Minister of Economics
and Intergovernmental Affairs

TORONTO

PRINTED BY J. C. THATCHER, QUEEN'S PRINTER FOR ONTARIO

An Act to amend The Ontario Planning and Development Act, 1973

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Clause *a* of section 1 of *The Ontario Planning and Development Act, 1973*, being chapter 51, is repealed and the following substituted therefor: s. 1 (a),
re-enacted

(a) "development plan" means a plan, policy and program, or any part thereof, approved by the Lieutenant Governor in Council, covering a development planning area or a portion thereof, as defined therein, designed to promote the optimum economic, social, environmental and physical condition of the area, and consisting of the texts and maps describing the program and policy;

(aa) "development planning area" means an area of land in Ontario in respect of which an order is made under section 2.

- 2.—(1) Subsection 1 of section 2 of the said Act is amended s. 2 (1),
amended by adding at the end thereof "and the Minister may alter the boundaries of the area defined as a development planning area by amendment to the order".

- (2) Subsection 3 of the said section 2 is repealed and s. 2 (3),
re-enacted the following substituted therefor:

(3) Where any order or amendment thereto is made Order or
amending
order to
be laid
before
Assembly under subsection 1, the Minister shall, on the day the order or amending order is made, or as soon thereafter as is practicable, lay the order or amending order before the Assembly if it is in session or, if not, at the commencement of the next ensuing session and the Assembly shall, by resolution, declare the order or amending order approved, revoked or varied.

s. 4.
re-enacted

3. Section 4 of the said Act is repealed and the following substituted therefor:

Consulta-
tion with
municipali-
ties

4. The Minister shall ensure that the council of each municipality having jurisdiction over any area of land for which a development plan is to be prepared, and any municipality which abuts such area of land, is consulted with respect to the proposed contents of such plan.

s. 6.
re-enacted

4. Section 6 of the said Act is repealed and the following substituted therefor:

Proposed
development
plan to be
furnished
to municipi-
palities,
etc.

6.—(1) In respect of any area of land for which a development plan is to be prepared, the Minister shall cause a proposed development plan to be prepared and shall ensure that,

- (a) each municipality within such area is furnished with a copy of the proposed development plan and invited to make comments thereon within such period of time, not being less than three months from the time the plan is furnished to it, as is specified;
- (b) a notice is published in one or more newspapers having general circulation in such area notifying the public of the proposed development plan, indicating where a copy of the plan together with the material used in preparation thereof mentioned in subsection 5 can be examined and inviting the submission of comments thereon within such period of time, not being less than three months from the time the notice is first published, as is specified; and
- (c) any advisory committee appointed under section 3 and empowered under that section to make recommendations relating to the preparation and implementation of a development plan covering the area is furnished with a copy of the proposed development plan and invited to make comments thereon within such period of time, not being less than three months from the time the plan is furnished to the committee, as is specified.

Hearing
officer

(2) Prior to, upon or after the expiration of time for the making of comments on the proposed development plan, the Minister shall appoint one or more hearing officers for the purpose of conducting one or more hearings, as the Minister may determine, within the area or in

the general proximity thereof, for the purpose of receiving representations respecting the contents of the plan by any person desiring to make representations, and separate hearings may be conducted at different times and places for different parts of the planning area.

(3) A hearing officer shall fix the time and place for the hearing or hearings as determined under subsection 2, and shall publish notice thereof in one or more newspapers having in his opinion general circulation in the area. ^{Notice of hearing}

(4) The time fixed for any hearing under subsection 3 shall be not sooner than three weeks after the first publication of the notice of hearing and not before the expiration of the time for the making of comments on the proposed development plan. ^{Time of hearing}

(5) At any such hearing, the Minister or any officials of a ministry or any other person that may be approved by the Minister shall present the proposed development plan and the justification therefor and shall make available for public inspection research material, reports, plans and the like that were used in the preparation of such plan and, subject to the rules of procedure adopted by the hearing officer for the conduct of the hearing, the persons presenting the plan may be questioned on any aspect of the plan by any interested person. ^{Procedure at hearing}

(6) Not more than three months after the conclusion of the hearing or of the last hearing if more hearings than one are held or within such extended time as the Minister prescribes, the hearing officer conducting the hearing or hearings shall report to the Minister a summary of the representations made together with a report stating whether the plan should be accepted, rejected or modified, giving his reasons therefor, and separate reports shall be submitted for each part of the planning area for which a hearing or hearings was conducted. ^{Report of hearing officer}

(7) A copy of the report of the hearing officer, or a copy of each report, if separate hearings were held, shall be made available in the office of the Minister, in the office of the clerk of each municipality, the whole or any part of which is within the area, and in such other offices and locations as the Minister determines for inspection by any person desiring to do so. ^{Inspection of report}

(8) After giving consideration to the comments received and the report or reports, if there is more than one, of the hearing officer, the Minister shall submit the proposed plan to the Lieutenant Governor in Council. ^{Submission of proposed plan to Lieutenant Governor in Council}

posed development plan with his recommendations thereon to the Lieutenant Governor in Council.

When report
not
approved

(9) If the recommendation of the Minister to the Lieutenant Governor in Council is other than that the report or reports, if there is more than one, of the hearing officer, be approved, then the Minister shall give public notice to this effect, state his intention, and a period of twenty-one days allowed when representations in writing can be made by anyone concerned to the Lieutenant Governor in Council.

Approval of
plan by
Lieutenant
Governor in
Council

(10) The Lieutenant Governor in Council may approve the plan, or may approve the plan with such modifications as the Lieutenant Governor in Council considers desirable, and thereupon the plan is the development plan for the area defined in it.

Commence-
ment

5. This Act comes into force on the day it receives Royal Assent.

Short title

6. This Act may be cited as *The Ontario Planning and Development Amendment Act, 1974*.

An Act to amend
The Ontario Planning and
Development Act, 1973

1st Reading

June 13th, 1974

2nd Reading

June 27th, 1974

3rd Reading

June 27th, 1974

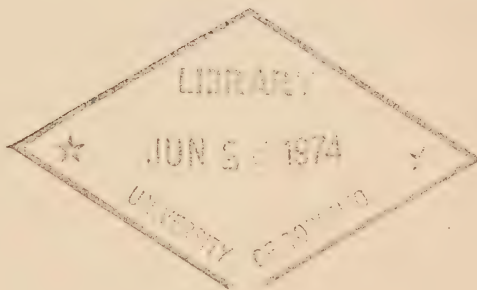
THE HON. J. WHITE
Treasurer of Ontario and
Minister of Economics and
Intergovernmental Affairs

4TH SESSION, 29TH LEGISLATURE, ONTARIO
23 ELIZABETH II, 1974

legislative assembly

**An Act to amend
The Parkway Belt Planning and Development Act, 1973**

THE HON. J. WHITE
Treasurer of Ontario and Minister of Economics
and Intergovernmental Affairs



TORONTO

PRINTED BY J. C. THATCHER, QUEEN'S PRINTER FOR ONTARIO

EXPLANATORY NOTES

SECTION 1. The amendment is complementary to section 4 of the Bill that amends *The Ontario Planning and Development Act, 1973*, by adding a definition of "development planning area".

SECTION 2. The sections being repealed provide for payments in lieu of taxes in respect of land owned by the Province and situate within the Parkway Belt Planning Area. These provisions are now to be found in the Bill to enact *The Provincial Parks Municipal Tax Assistance Act, 1974*.

BILL 85

1974

**An Act to amend
The Parkway Belt Planning
and Development Act, 1973**

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Section 2 of *The Parkway Belt Planning and Development Act, 1973*, being chapter 53, is repealed and the following substituted therefor:

2. *The Ontario Planning and Development Act, 1973*,^{s. 2, re-enacted} except section 12, applies *mutatis mutandis*, to the Parkway Belt Planning Area, and the Parkway Belt Plan and the Parkway Belt Planning Area shall be deemed to be a development plan and a development planning area respectively within the meaning of that Act.

2. Sections 3 and 4 of the said Act are repealed. ss. 3, 4,
repealed
3. This Act comes into force on the day it receives Royal Assent. Commence-
ment
4. This Act may be cited as *The Parkway Belt Planning and Development Amendment Act, 1974*. Short title

An Act to amend
The Parkway Belt Planning
and Development Act, 1973

1st Reading

June 13th, 1974

2nd Reading

3rd Reading

THE HON. J. WHITE
Treasurer of Ontario and
Minister of Economics and
Intergovernmental Affairs

(Government Bill)

CA20N

BILL 85

Government Bill

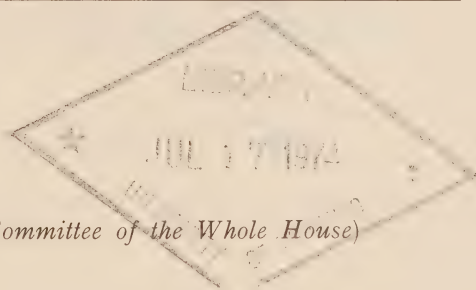
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-B 56

4TH SESSION, 29TH LEGISLATURE, ONTARIO
23 ELIZABETH II, 1974

**An Act to amend
The Parkway Belt Planning and Development Act, 1973**

THE HON. J. WHITE
Treasurer of Ontario and Minister of Economics
and Intergovernmental Affairs



(Reprinted as amended by the Committee of the Whole House)

TORONTO

PRINTED BY J. C. THATCHER, QUEEN'S PRINTER FOR ONTARIO

EXPLANATORY NOTES

SECTION 1. The amendment is complementary to section 1 of the Bill that amends *The Ontario Planning and Development Act, 1973*, by adding a definition of "development planning area".

SECTION 2. The sections being repealed provide for payments in lieu of taxes in respect of land owned by the Province and situate within the Parkway Belt Planning Area. These provisions are now to be found in the Bill to enact *The Provincial Parks Municipal Tax Assistance Act, 1974*.

BILL 85

1974

**An Act to amend
The Parkway Belt Planning
and Development Act, 1973**

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2. *The Ontario Planning and Development Act, 1973*, except section 12, applies *mutatis mutandis*, to the Parkway Belt Planning Area, and the Parkway Belt Plan and the Parkway Belt Planning Area shall be deemed to be a development plan and a development planning area respectively within the meaning of that Act.

2. Sections 3 and 4 of the said Act are repealed.

- 3.—(1) This Act, except section 2, comes into force on the day it receives Royal Assent.

- (2) Section 2 comes into force on a day to be named by proclamation of the Lieutenant Governor.

4. This Act may be cited as *The Parkway Belt Planning and Development Amendment Act, 1974*.

An Act to amend
The Parkway Belt Planning
and Development Act, 1973

1st Reading

June 13th, 1974

2nd Reading

June 27th, 1974

3rd Reading

THE HON. J. WHITE
Treasurer of Ontario and
Minister of Economics and
Intergovernmental Affairs

(Reprinted as amended by the
Committee of the Whole House)

CA20N

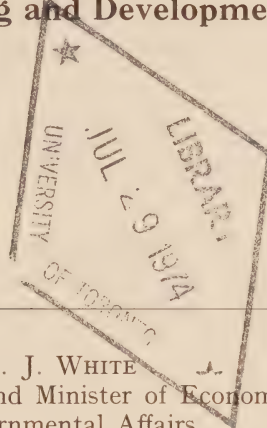
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BILL 85

4TH SESSION, 29TH LEGISLATURE, ONTARIO
23 ELIZABETH II, 1974

**An Act to amend
The Parkway Belt Planning and Development Act, 1973**



THE HON. J. WHITE
Treasurer of Ontario and Minister of Economics
and Intergovernmental Affairs

TORONTO

PRINTED BY J. C. THATCHER, QUEEN'S PRINTER FOR ONTARIO

BILL 85

1974

**An Act to amend
The Parkway Belt Planning
and Development Act, 1973**

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2. Sections 3 and 4 of the said Act are repealed.

ss. 3, 4,
repealed

- 3.—(1) This Act, except section 2, comes into force on the day it receives Royal Assent.

Commence-
ment

- (2) Section 2 comes into force on a day to be named by proclamation of the Lieutenant Governor.

Idem

4. This Act may be cited as *The Parkway Belt Planning and Development Amendment Act, 1974*.

Short title

An Act to amend
The Parkway Belt Planning
and Development Act, 1973

1st Reading

June 13th, 1974

2nd Reading

June 27th, 1974

3rd Reading

June 28th, 1974

THE HON. J. WHITE
Treasurer of Ontario and
Minister of Economics and
Intergovernmental Affairs

4TH SESSION, 29TH LEGISLATURE, ONTARIO
23 ELIZABETH II, 1974

Legislative Assembly

**An Act to amend
The Niagara Escarpment Planning and
Development Act, 1973**

THE HON. J. WHITE
Treasurer of Ontario and Minister of Economics
and Intergovernmental Affairs



TORONTO

PRINTED BY J. C. THATCHER, QUEEN'S PRINTER FOR ONTARIO

EXPLANATORY NOTES

SECTION 1. The amendments are to the same effect as those found in section 2 of the Bill that amends *The Ontario Planning and Development Act, 1973*; the boundaries of the Niagara Escarpment Planning Area may be amended by order of the Minister and any amending order will be required to be laid before the Assembly.

SECTION 2. The amendments contained in this section are to the same effect as those found in section 4 of the Bill to amend *The Ontario Planning and Development Act, 1973*; they are designed to clarify the procedures to be followed in respect of notification, hearings and the submission of the proposed Niagara Escarpment Plan to the Lieutenant Governor in Council for approval.

**An Act to amend
The Niagara Escarpment Planning and
Development Act, 1973**

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

- 1.—(1) Subsection 1 of section 3 of *The Niagara Escarpment Planning and Development Act, 1973*, being chapter 52, is amended by adding at the end thereof “and the Minister may alter the boundaries of the Planning Area by amendment to the order”. s. 3 (1),
amended

- (2) Subsection 3 of the said section 3 is repealed and the following substituted therefor: s. 3 (3),
re-enacted

- (3) Where any order or amendment thereto is made under subsection 1, the Minister shall, on the day the order or amending order is made, or as soon thereafter as is practicable, lay the order or amending order before the Assembly if it is in session or, if not, at the commencement of the next ensuing session and the Assembly shall, by resolution declare the order or amending order approved, revoked or varied. Order or
amending
order
to be laid
before
Assembly

- 2.—(1) Subsections 2, 3 and 4 of section 10 of the said Act are repealed and the following substituted therefor: s. 10 (2-4),
re-enacted

- (2) Prior to, upon or after the expiration of the time for the making of comments on the proposed Plan, the Commission shall appoint one or more hearing officers for the purpose of conducting one or more hearings, as the Minister may determine, within the Niagara Escarpment Planning Area or in the general proximity thereof for the purpose of receiving representations respecting the contents of the Plan by any person desiring to make representations and separate hearings may be conducted at different times and places in respect of different parts of the Niagara Escarpment Planning Area. Hearing
officer

Notice of
hearing

(3) A hearing officer shall fix the time and place for the hearing or hearings, as determined under subsection 2, and shall publish notice thereof in such newspapers having in his opinion general circulation in any area that is within the Niagara Escarpment Planning Area as he considers appropriate.

Time of
hearing

(4) The time fixed for any hearing under subsection 3 shall be not sooner than three weeks after the first publication of the notice of the hearing and not before the expiration of the time for making of comments on the proposed Plan.

s. 10 (5),
amended

(2) Subsection 5 of the said section 10 is amended by inserting after "Commission" in the first line "or any person appointed by the Commission".

s. 10 (6-10),
re-enacted

(3) Subsections 6, 7, 8, 9 and 10 of the said section 10 are repealed and the following substituted therefor:

Report of
hearing
officer

(6) Not more than three months after the conclusion of the hearing or of the last hearing if more hearings than one are held or within such extended time as the Commission prescribes, the hearing officer conducting the hearing or hearings shall report to the Commission a summary of the representations made together with a report stating whether the Plan should be accepted, rejected or modified, giving his reasons therefor, and shall at the same time furnish the Minister with a copy of the report and separate reports shall be submitted for each part of the Niagara Escarpment Planning Area, for which a hearing or hearings was held.

Submission
of Plan to
Minister

(7) After giving consideration to the comments received and the report, or reports if there is more than one, of the hearing officer, the Commission shall submit the proposed Plan with its recommendations thereon to the Minister.

Inspection
of proposed
Plan and
report

(8) A copy of the proposed Plan and the recommendations thereon as submitted to the Minister, together with a copy of the report, or reports if there is more than one, of the hearing officer, shall be made available in the office of the Minister, in the office of the clerk of each municipality, the whole or any part of which is within the Niagara Escarpment Planning Area, and in such other offices and locations as the Minister determines, for inspection by any person desiring to do so.

Submission
of proposed
Plan to
Lieutenant
Governor in
Council

(9) After having received the proposed Plan from the Commission and after giving consideration to the recommendations of the Commission and the report, or reports if there is more than one, of the hearing officer, the Minister shall sub-

SECTIONS 3 AND 4. The effect of the amendments is to transfer from the Treasurer of Ontario to the Minister of Housing most of the authority in respect of the implementation of the development control provisions in the Act, and is in line with amendments made at the last session to *The Planning Act*. The Treasurer will retain the authority to designate areas within the Niagara Escarpment Planning Area as areas of development control and to designate the municipalities to which may be delegated the authority to issue development permits.

mit the proposed Plan with his recommendations thereon to the Lieutenant Governor in Council.

(10) If the recommendation of the Minister to the Lieutenant Governor in Council is other than that the report, ^{When report not approved} or reports if there is more than one, of the hearing officer, be approved, then the Minister shall give public notice to this effect, state his intentions and a period of twenty-one days allowed when representations in writing can be made by anyone concerned to the Lieutenant Governor in Council.

3. Section 22 of the said Act is repealed and the following substituted therefor: ^{s. 22, re-enacted}

22. The Minister may make regulations designating any ^{Regulations} area or areas of land within the Niagara Escarpment Planning Area as an area of development control.

22a.—(1) In this section and in section 23, subsections 1, ^{Interpretation} 3 to 9 and 11 and 12 of section 24 and section 25, "Minister" means the Minister of Housing.

(2) The Minister may make regulations, ^{Regulations}

(a) providing that where an area of development control is designated, such zoning by-laws and such orders of the Minister made under section 32 of *The Planning Act*, or any part thereof, as are designated in the regulation, cease to have effect in the area or in any defined part thereof; ^{R.S.O. 1970, c. 349}

(b) providing for the issuance of development permits and prescribing terms and conditions of permits;

(c) providing for the exemption of any class or classes of development within any development area from the requirement of obtaining a development permit;

(d) prescribing the form of application for a development permit.

4. Subsection 2 of section 24 of the said Act is repealed and the following substituted therefor: ^{s. 24 (2), re-enacted}

(2) No delegation shall be made under subsection 1 to a county or a regional municipality or a city, except where the county or regional municipality or city on application therefor, has been designated by order of the Minister as a municipality to which may be delegated the authority to issue development permits under subsection 1, and every such application shall ^{Limitation on delegation}

include a statement of the organizational structure to be established and the administrative procedures intended to be followed.

ss. 26, 27,
repealed

5. Sections 26 and 27 of the said Act are repealed.

Commence-
ment

6. This Act comes into force on the day it receives Royal Assent.

Short title

7. This Act may be cited as *The Niagara Escarpment Planning and Development Amendment Act, 1974*.

SECTION 5. The sections being repealed provide for payments in lieu of taxes in respect of land owned by the Province and situate within the Niagara Escarpment Planning Area. These provisions are now to be found in the Bill to enact *The Provincial Parks Municipal Tax Assistance Act, 1974*.

An Act to amend
The Niagara Escarpment Planning
and Development Act, 1973

1st Reading

June 13th, 1974

2nd Reading

3rd Reading

THE HON. J. WHITE
Treasurer of Ontario and
Minister of Economics and
Intergovernmental Affairs

(Government Bill)

CA20N

BILL 86

Government Bill

X3

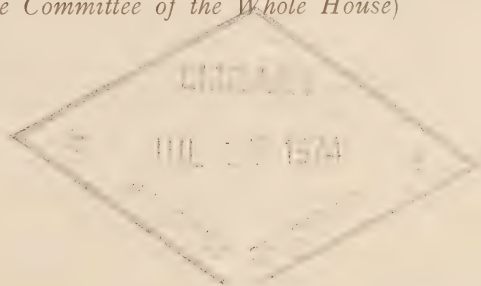
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4TH SESSION, 29TH LEGISLATURE, ONTARIO
23 ELIZABETH II, 1974

**An Act to amend
The Niagara Escarpment Planning and
Development Act, 1973**

THE HON. J. WHITE
Treasurer of Ontario and Minister of Economics
and Intergovernmental Affairs

(Reprinted as amended by the Committee of the Whole House)



TORONTO

PRINTED BY J. C. THATCHER, QUEEN'S PRINTER FOR ONTARIO

EXPLANATORY NOTES

SECTION 1. The amendments are to the same effect as those found in section 2 of the Bill that amends *The Ontario Planning and Development Act, 1973*; the boundaries of the Niagara Escarpment Planning Area may be amended by order of the Minister and any amending order will be required to be laid before the Assembly.

SECTION 2. The amendments contained in this section are to the same effect as those found in section 4 of the Bill to amend *The Ontario Planning and Development Act, 1973*; they are designed to clarify the procedures to be followed in respect of notification, hearings and the submission of the proposed Niagara Escarpment Plan to the Lieutenant Governor in Council for approval.

**An Act to amend
The Niagara Escarpment Planning and
Development Act, 1973**

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

- 1.—(1) Subsection 1 of section 3 of *The Niagara Escarpment Planning and Development Act, 1973*, being chapter 52, is amended by adding at the end thereof “and the Minister may alter the boundaries of the Planning Area by amendment to the order”.
- (2) Subsection 3 of the said section 3 is repealed and the following substituted therefor:
- (3) Where any order or amendment thereto is made under subsection 1, the Minister shall, on the day the order or amending order is made, or as soon thereafter as is practicable, lay the order or amending order before the Assembly if it is in session or, if not, at the commencement of the next ensuing session and the Assembly shall, by resolution declare the order or amending order approved, revoked or varied.
- 2.—(1) Subsections 2, 3 and 4 of section 10 of the said Act are repealed and the following substituted therefor:
- (2) Prior to, upon or after the expiration of the time for the making of comments on the proposed Plan, the Commission shall appoint one or more hearing officers for the purpose of conducting one or more hearings, as the Minister may determine, within the Niagara Escarpment Planning Area or in the general proximity thereof for the purpose of receiving representations respecting the contents of the Plan by any person desiring to make representations and separate hearings may be conducted at different times and places in respect of different parts of the Niagara Escarpment Planning Area.

s. 3 (1),
amended

s. 3 (3),
re-enacted

Order or
amending
order
to be laid
before
Assembly

s. 10 (2-4),
re-enacted

Hearing
officer

Notice of
hearing

(3) A hearing officer shall fix the time and place for the hearing or hearings, as determined under subsection 2, and shall publish notice thereof in such newspapers having in his opinion general circulation in any area that is within the Niagara Escarpment Planning Area as he considers appropriate.

Time of
hearing

(4) The time fixed for any hearing under subsection 3 shall be not sooner than three weeks after the first publication of the notice of the hearing and not before the expiration of the time for making of comments on the proposed Plan.

s. 10 (5),
amended

(2) Subsection 5 of the said section 10 is amended by inserting after "Commission" in the first line "or any person appointed by the Commission".

s. 10 (6-10),
re-enacted

(3) Subsections 6, 7, 8, 9 and 10 of the said section 10 are repealed and the following substituted therefor:

Report of
hearing
officer

(6) Not more than three months after the conclusion of the hearing or of the last hearing if more hearings than one are held or within such extended time as the Commission prescribes, the hearing officer conducting the hearing or hearings shall report to the Commission a summary of the representations made together with a report stating whether the Plan should be accepted, rejected or modified, giving his reasons therefor, and shall at the same time furnish the Minister with a copy of the report and separate reports shall be submitted for each part of the Niagara Escarpment Planning Area, for which a hearing or hearings was held.

Submission
of Plan to
Minister

(7) After giving consideration to the comments received and the report, or reports if there is more than one, of the hearing officer, the Commission shall submit the proposed Plan with its recommendations thereon to the Minister.

Inspection
of proposed
Plan and
report

(8) A copy of the proposed Plan and the recommendations thereon as submitted to the Minister, together with a copy of the report, or reports if there is more than one, of the hearing officer, shall be made available in the office of the Minister, in the office of the clerk of each municipality, the whole or any part of which is within the Niagara Escarpment Planning Area, and in such other offices and locations as the Minister determines, for inspection by any person desiring to do so.

Submission
of proposed
Plan to
Lieutenant
Governor in
Council

(9) After having received the proposed Plan from the Commission and after giving consideration to the recommendations of the Commission and the report, or reports if there is more than one, of the hearing officer, the Minister shall sub-

SECTIONS 3 AND 4. The effect of the amendments is to transfer from the Treasurer of Ontario to the Minister of Housing most of the authority in respect of the implementation of the development control provisions in the Act, and is in line with amendments made at the last session to *The Planning Act*. The Treasurer will retain the authority to designate areas within the Niagara Escarpment Planning Area as areas of development control and to designate the municipalities to which may be delegated the authority to issue development permits.

mit the proposed Plan with his recommendations thereon to the Lieutenant Governor in Council.

(10) If the recommendation of the Minister to the Lieutenant Governor in Council is other than that the report, ^{When report not approved} or reports if there is more than one, of the hearing officer, be approved, then the Minister shall give public notice to this effect, state his intentions and a period of twenty-one days allowed when representations in writing can be made by anyone concerned to the Lieutenant Governor in Council.

3. Section 22 of the said Act is repealed and the following substituted therefor: ^{s. 22, re-enacted}

22. The Minister may make regulations designating any ^{Regulations} area or areas of land within the Niagara Escarpment Planning Area as an area of development control.

22a.—(1) In this section and in section 23, subsections 1, ^{Interpretation} 3 to 9 and 11 and 12 of section 24 and section 25, "Minister" means the Minister of Housing.

(2) The Minister may make regulations, ^{Regulations}

(a) providing that where an area of development control is designated, such zoning by-laws and such orders of the Minister made under section 32 of *The Planning Act*, or any part thereof, as are designated in the regulation, cease to have effect in the area or in any defined part thereof; ^{R.S.O. 1970, c. 349}

(b) providing for the issuance of development permits and prescribing terms and conditions of permits;

(c) providing for the exemption of any class or classes of development within any development area from the requirement of obtaining a development permit;

(d) prescribing the form of application for a development permit.

4. Subsection 2 of section 24 of the said Act is repealed and the ^{s. 24 (2), re-enacted} following substituted therefor:

(2) No delegation shall be made under subsection 1 to a county ^{Limitation on delegation} or a regional municipality or a city, except where the county or regional municipality or city on application therefor, has been designated by order of the Minister as a municipality to which may be delegated the authority to issue development permits under subsection 1, and every such application shall

include a statement of the organizational structure to be established and the administrative procedures intended to be followed.

ss. 26, 27,
repealed

5. Sections 26 and 27 of the said Act are repealed.

Commence-
ment

6.—(1) This Act, except section 5, comes into force on the day it receives Royal Assent.

Idem

(2) Section 5 comes into force on a day to be named by proclamation of the Lieutenant Governor.

Short title

7. This Act may be cited as *The Niagara Escarpment Planning and Development Amendment Act, 1974*.

SECTION 5. The sections being repealed provide for payments in lieu of taxes in respect of land owned by the Province and situate within the Niagara Escarpment Planning Area. These provisions are now to be found in the Bill to enact *The Provincial Parks Municipal Tax Assistance Act, 1974*.

An Act to amend
The Niagara Escarpment Planning
and Development Act, 1973

1st Reading

June 13th, 1974

2nd Reading

June 27th, 1974

3rd Reading

THE HON. J. WHITE
Treasurer of Ontario and
Minister of Economics and
Intergovernmental Affairs

*(Reprinted as amended by the
Committee of the Whole House)*

CA20N

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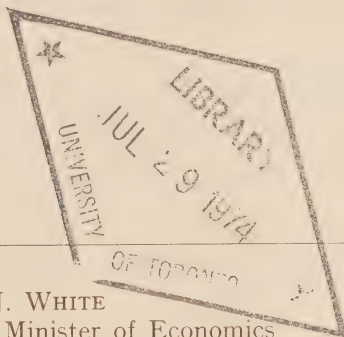
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BILL 86

Cover
Public

4TH SESSION, 29TH LEGISLATURE, ONTARIO
23 ELIZABETH II, 1974

**An Act to amend
The Niagara Escarpment Planning and
Development Act, 1973**



THE HON. J. WHITE
Treasurer of Ontario and Minister of Economics
and Intergovernmental Affairs

TORONTO

PRINTED BY J. C. THATCHER, QUEEN'S PRINTER FOR ONTARIO



**An Act to amend
The Niagara Escarpment Planning and
Development Act, 1973**

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

- 1.**—(1) Subsection 1 of section 3 of *The Niagara Escarpment Planning and Development Act, 1973*, being chapter 52, is amended by adding at the end thereof “and the Minister may alter the boundaries of the Planning Area by amendment to the order”. s. 3 (1),
amended
- (2) Subsection 3 of the said section 3 is repealed and the following substituted therefor: s. 3 (3),
re-enacted
- (3) Where any order or amendment thereto is made under subsection 1, the Minister shall, on the day the order or amending order is made, or as soon thereafter as is practicable, lay the order or amending order before the Assembly if it is in session or, if not, at the commencement of the next ensuing session and the Assembly shall, by resolution declare the order or amending order approved, revoked or varied. Order or
amending
order
to be laid
before
Assembly
- 2.**—(1) Subsections 2, 3 and 4 of section 10 of the said Act are repealed and the following substituted therefor: s. 10 (2-4),
re-enacted

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officer

Notice of
hearing

(3) A hearing officer shall fix the time and place for the hearing or hearings, as determined under subsection 2, and shall publish notice thereof in such newspapers having in his opinion general circulation in any area that is within the Niagara Escarpment Planning Area as he considers appropriate.

Time of
hearing

(4) The time fixed for any hearing under subsection 3 shall be not sooner than three weeks after the first publication of the notice of the hearing and not before the expiration of the time for making of comments on the proposed Plan.

s. 10 (5),
amended

(2) Subsection 5 of the said section 10 is amended by inserting after "Commission" in the first line "or any person appointed by the Commission".

s. 10 (6-10),
re-enacted

(3) Subsections 6, 7, 8, 9 and 10 of the said section 10 are repealed and the following substituted therefor:

Report of
hearing
officer

(6) Not more than three months after the conclusion of the hearing or of the last hearing if more hearings than one are held or within such extended time as the Commission prescribes, the hearing officer conducting the hearing or hearings shall report to the Commission a summary of the representations made together with a report stating whether the Plan should be accepted, rejected or modified, giving his reasons therefor, and shall at the same time furnish the Minister with a copy of the report and separate reports shall be submitted for each part of the Niagara Escarpment Planning Area, for which a hearing or hearings was held.

Submission
of Plan to
Minister

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Inspection
of proposed
Plan and
report

(8) A copy of the proposed Plan and the recommendations thereon as submitted to the Minister, together with a copy of the report, or reports if there is more than one, of the hearing officer, shall be made available in the office of the Minister, in the office of the clerk of each municipality, the whole or any part of which is within the Niagara Escarpment Planning Area, and in such other offices and locations as the Minister determines, for inspection by any person desiring to do so.

Submission
of proposed
Plan to
Lieutenant
Governor in
Council

(9) After having received the proposed Plan from the Commission and after giving consideration to the recommendations of the Commission and the report, or reports if there is more than one, of the hearing officer, the Minister shall sub-

mit the proposed Plan with his recommendations thereon to the Lieutenant Governor in Council.

(10) If the recommendation of the Minister to the Lieutenant Governor in Council is other than that the report, ^{When report not approved} or reports if there is more than one, of the hearing officer, be approved, then the Minister shall give public notice to this effect, state his intentions and a period of twenty-one days allowed when representations in writing can be made by anyone concerned to the Lieutenant Governor in Council.

3. Section 22 of the said Act is repealed and the following sub- ^{s. 22, re-enacted} stituted therefor:

22. The Minister may make regulations designating any ^{Regulations} area or areas of land within the Niagara Escarpment Planning Area as an area of development control.

22a.—(1) In this section and in section 23, subsections 1, ^{Inter-pretation} 3 to 9 and 11 and 12 of section 24 and section 25, "Minister" means the Minister of Housing.

(2) The Minister may make regulations, ^{Regulations}

(a) providing that where an area of development control is designated, such zoning by-laws and such orders of the Minister made under section 32 of *The Planning Act*, or any part thereof, as are designated in the regulation, cease to have effect in the area or in any defined part thereof; ^{R.S.O. 1970, c. 349}

(b) providing for the issuance of development permits and prescribing terms and conditions of permits;

(c) providing for the exemption of any class or classes of development within any development area from the requirement of obtaining a development permit;

(d) prescribing the form of application for a development permit.

4. Subsection 2 of section 24 of the said Act is repealed and the ^{s. 24 (2), re-enacted} following substituted therefor:

(2) No delegation shall be made under subsection 1 to a county or a regional municipality or a city, except where the county or regional municipality or city on application therefor, has been designated by order of the Minister as a municipality to which may be delegated the authority to issue development permits under subsection 1, and every such application shall ^{Limitation on delegation}

include a statement of the organizational structure to be established and the administrative procedures intended to be followed.

ss. 26, 27,
repealed

5. Sections 26 and 27 of the said Act are repealed.

Commence-
ment

6.—(1) This Act, except section 5, comes into force on the day it receives Royal Assent.

Idem

(2) Section 5 comes into force on a day to be named by proclamation of the Lieutenant Governor.

Short title

7. This Act may be cited as *The Niagara Escarpment Planning and Development Amendment Act, 1974*.

An Act to amend
The Niagara Escarpment Planning
and Development Act, 1973

1st Reading

June 13th, 1974

2nd Reading

June 27th, 1974

3rd Reading

June 28th, 1974

THE HON. J. WHITE
Treasurer of Ontario and
Minister of Economics and
Intergovernmental Affairs

Ontario Legislative Assembly
CA20N

BILL 87

Government Publications
Government Bill

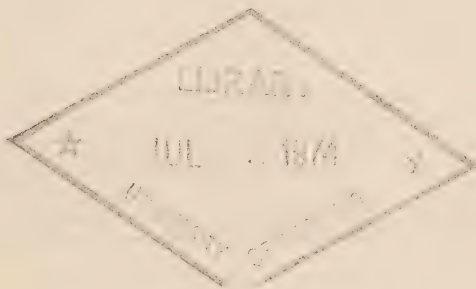
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4TH SESSION, 29TH LEGISLATURE, ONTARIO
23 ELIZABETH II, 1974

An Act to amend The Assessment Act

THE HON. A. K. MEEN
Minister of Revenue



TORONTO

PRINTED BY J. C. THATCHER, QUEEN'S PRINTER FOR ONTARIO

EXPLANATORY NOTES

GENERAL This Bill contains provisions which will provide for an annual assessment roll in 1974 and 1975 at the present levels of assessment, and will provide that the assessment roll shall be returned in December rather than in October. The time for appeals under the Act is enlarged and provision is made for the assessment of all tenants who are required to be shown on the assessment roll.

In addition, many minor amendments are made to adjust for the later return of the roll and to appeal provisions that are no longer necessary in the Act.

SECTION 1 makes it clear that railway lands in localities where there is no municipal organization will be assessed to support local school boards.

SECTION 2.—Subsection 1 provides an exemption for machinery and equipment and the foundations on which they rest when they are used to produce electric power for sale to the general public. This section replaces section 84 which will be repealed.

Subsection 2 re-enacts paragraph 19 of section 3 to continue the exemption from taxation for certain minerals (other than those exempt from mining tax). The exemption is also continued for buildings, plant and machinery located under mineral land and used to obtain minerals from the ground and for machinery on the surface of mineral lands. A building or plant on the surface of mineral lands and used to obtain minerals from the ground will no longer be exempt from taxation.

SECTION 3 makes the business of obtaining minerals from the ground liable for business assessment at 60 per cent.

An Act to amend The Assessment Act

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Clause *m* of section 1 of *The Assessment Act*, being chapter <sup>s.1 (m),
amended</sup> 32 of the Revised Statutes of Ontario, 1970, as re-enacted by the Statutes of Ontario, 1971, chapter 79, section 1, is amended by striking out "except in section 38" in the first line.
- 2.—(1) Section 3 of the said Act, as amended by the Statutes <sup>s.3,
amended</sup> of Ontario, 1971, chapter 79, section 2 and 1973, chapter 26, section 1, is further amended by adding thereto the following paragraph:
 - 17*a*. All machinery and equipment including the found-<sup>Machinery
for
producing
electric
power</sup>
 tations on which they rest to the extent and in the proportion used for producing electric power for sale to the general public but not including any other buildings, structures, structural facilities or fixtures used in connection therewith.
- (2) Paragraph 19 of the said section 3, as re-enacted <sup>s.3,
par. 19,
re-enacted</sup> by the Statutes of Ontario, 1971, chapter 79, section 2, is repealed and the following substituted therefor:
 19. The buildings, plant and machinery under mineral <sup>Mineral land
and minerals</sup>
 land and the machinery in or on such land only to the extent and in the proportion that such buildings, plant and machinery are used for obtaining minerals from the ground, and all minerals, other than diatomaceous earth, limestone, marl, peat, clay, building stone, stone for ornamental or decorative purposes, or non-auriferous sand or gravel, that are in, on or under land.
3. Clause *d* of subsection 1 of section 7 of the said Act is <sup>s.7 (1) (d),
re-enacted</sup> repealed and the following substituted therefor:

- (d) Every person carrying on the business of a manufacturer, including the business of a flour miller, maltster, a concentrator or smelter of ore or metals, and the business of obtaining minerals from the ground, for a sum equal to 60 per cent of the assessed value, provided that a manufacturer is not liable to business assessment as a wholesale merchant by reason of his carrying on the business of selling by wholesale the goods of his own manufacture on such land.

s. 13 (2),
amended

4. Subsection 2 of section 13 of the said Act is amended by striking out "in the census register" in the ninth and tenth lines and inserting in lieu thereof "concerning whom he is required to obtain any information for the purpose of the census required by section 23".

s. 16 (1),
amended

5. Subsection 1 of section 16 of the said Act is amended by striking out "mentioned in section 9" in the fourth line and inserting in lieu thereof "or notice mentioned in section 33 or 38".

s. 17 (3),
re-enacted

6. Subsection 3 of section 17 of the said Act, as re-enacted by the Statutes of Ontario, 1972, chapter 125, section 4, is repealed and the following substituted therefor:

Apportion-
ment of
value of
multiple
occupancy

(3) The value of an assessment of an entire parcel of real property that is occupied by more than one person to be assessed under this Act shall be apportioned on the assessment roll among the occupants of the entire real property who are to be assessed in that proportion that the fair market rent of the space occupied by each occupant bears to the fair market rent of the entire parcel of real property so that the sum of the values apportioned to each occupant shall be equal to the value of the assessment of the entire parcel of real property.

s. 24 (1),
re-enacted

7. Subsection 1 of section 24 of the said Act, as re-enacted by the Statutes of Ontario, 1972, chapter 125, section 7, is repealed and the following substituted therefor:

Land to be
assessed
against
owner and
tenant

(1) Subject to section 26, land shall be assessed against the owner thereof and against the tenant to the extent of the assessed value of the portion of the land occupied by the tenant.

s. 25,
repealed

8. Section 25 of the said Act is repealed.

s. 32 (4),
amended

9. Subsection 4 of section 32 of the said Act is amended by striking out "steam" in the fifth line.

SECTION 4. This amendment is consequential on changes made in 1972 to section 23 of the Act which provides for the taking of a census.

SECTION 5 removes the reference to section 9 of the Act, which was repealed in 1972 and inserts references to sections 33 and 38 of the Act which deal with information statements required to be furnished to the assessment commissioner by pipeline companies and railway companies.

SECTION 6 repeals the definition of "tenant" which included only a tenant of the Crown or a person liable to business assessment. The repeal of this provision means that all tenants as defined in section 1 (r) of the Act are now to be entered on the roll in accordance with paragraphs 3 and 4 of subsection 1 of section 17.

A new subsection 3 provides a formula for the apportionment of a multiple occupancy building among the various occupants. Each unit is assessed according to its economic value so that the total of the assessed values of the units equals the value of the assessment of the entire parcel of real property.

SECTION 7 makes it clear that land is no longer to be assessed only against the owner, but rather against the owner and against the tenant. However, the tenant will be assessed only for the portion of the land he occupies.

SECTION 8 removes from the Act a section that is no longer necessary due to the introduction of *The Municipal Elections Act, 1972*.

SECTION 9 removes "steam" in view of the disappearance of steam as a source of power on railways.

SECTION 10 provides a later date on which pipeline companies are to report particulars of their transmission pipelines to the assessment commissioner since the assessment roll is now to be returned in December instead of October.

SECTION 11 makes it clear that the assessment of lands in a municipality which are vested in a public utility is to be based on the average value of lands in the immediate vicinity and not on the average value of lands in the whole municipality.

SECTION 12.—Subsection 1 provides for railway companies to deliver annual information statements at a later date since the assessment roll will be returned at a later date. It further provides that delivery of the statement be to the assessment commissioner of every municipality rather than to the clerk. Railway companies are no longer required to provide the value of lands they occupy.

Subsection 2 provides that roadways and rights of way of railway companies are to be assessed according to the value at which lands are assessed in the immediate vicinity.

SECTION 13. At present, notices of assessment must be sent at least fifteen days before the return of the roll. The amendment reduces this period to fourteen days.

SECTION 14 makes uniform with other provisions in the Act the types of corrections which may be made on the assessment roll prior to its return.

- 10.** Subsection 2 of section 33 of the said Act is amended by <sup>s. 33 (2),
amended</sup> striking out “July” in the first line and inserting in lieu thereof “October” and by striking out “June” in the fourth line and inserting in lieu thereof “September”.
- 11.** Subsection 3 of section 35 of the said Act is amended by <sup>s. 35 (3),
amended</sup> striking out “average value at which lands are assessed in the municipality” in the seventh and eighth lines and inserting in lieu thereof “value at which lands are assessed in the immediate vicinity”.
- 12.—(1)** Subsection 1 of section 38 of the said Act is repealed and <sup>s. 38 (1),
re-enacted</sup> the following substituted therefor:
- (1) Every railway company shall transmit annually on <sup>Railway
companies
to furnish
statements</sup> or before the 1st day of July to the assessment commissioner of every municipality or locality in which any part of the roadway or other real property of the company is situated, a statement showing,
- (a) the quantity of land occupied by the roadway, and a description sufficient to identify what land is so occupied;
 - (b) the vacant land owned by the company and not in actual use by the company;
 - (c) the quantity of land occupied by the railway and being a part of a highway, street, road or other public land, but not being a highway, street or road that is merely crossed by the railway; and
 - (d) the real property, other than that referred to in clause *a*, *b* or *c*, in actual use and occupation by the railway.
- (2) Clause *a* of subsection 2 of the said section 38 is <sup>s. 38 (2) (a),
amended</sup> amended by striking out “actual value thereof according to the average value of land in the locality” in the first and second lines and inserting in lieu thereof “value at which lands are assessed in the immediate vicinity”.
- 13.** Subsection 1 of section 40 of the said Act, as amended by <sup>s. 40 (1),
amended</sup> the Statutes of Ontario, 1972, chapter 125, section 12, is further amended by striking out “fifteen” in the second line and inserting in lieu thereof “fourteen”.
- 14.** Section 41 of the said Act is amended by striking out <sup>s. 41,
amended</sup> “error” in the fourth line and in the sixth line and inserting in lieu thereof in each instance “defect, error, omission or misstatement”.

ss. 42-44,
re-enacted

15. Section 42 as amended by the Statutes of Ontario, 1971, chapter 79, section 7 and 1972, chapter 125, section 13, section 43 as amended by the Statutes of Ontario, 1971, chapter 79, section 8 and section 44 of the said Act are repealed and the following substituted therefor:

Assessment
omitted
from
collector's
roll

42.—(1) If any land liable to assessment or any business assessment, has been in whole or in part omitted from the collector's roll for the current year or for any part or all of either or both of the next two preceding years, and no taxes have been levied for the assessment omitted, the assessor shall make any assessment necessary to rectify the omission and the clerk of the municipality upon notification thereof shall enter the assessment on the collector's roll and such taxes as would have been payable if the assessment had not been omitted shall be levied and collected.

Interpre-
tation

(2) For the purposes of this section, "omitted" includes the invalidation or setting aside of an assessment by any court or assessment tribunal on any ground except that the land is not liable to taxation.

Supple-
mentary
assessments
to be added
to collector's
roll

43. If, after notices of assessment have been given pursuant to section 40 and before the last day of the taxation year for which taxes are levied on the assessment referred to in the notices,

- (a) an increase in value occurs which results from the erection, alteration, enlargement or improvement of any building, structure, machinery, equipment or fixture or any portion thereof that commences to be used for any purpose;
- (b) land or a portion thereof ceases to be exempt from taxation or to be used for the purpose set forth in subsection 3 of section 27;
- (c) a person commences to occupy or use land for the purpose of, or in connection with, any business mentioned or described in section 7;
- (d) a pipeline increases in value because it ceases to be entitled to the reduction provided for in subsection 9 of section 33,

the assessor shall make such further assessment as may be necessary to reflect the change, and the clerk of the municipality upon notification thereof shall enter a supplementary assessment on the collector's roll and the amount

SECTION 15 provides for the re-enactment of sections 42, 43 and 44.

The new section 42 provides for the collection of taxes which have not been collected for either the current or two preceding years due to any assessment having been omitted in whole or in part from the collector's roll.

For purposes of supplementary assessment the new section 43 has expanded the changes which may now be reflected in the collector's roll. If an increase in value occurs which results from the erection, alteration, enlargement or improvement not only of any building but also of any structure, machinery, equipment or fixture or portion thereof which has commenced to be used, then taxes may be collected on this increase in value.

Section 43 further provides that a municipality may now collect twelve months taxes for the current year rather than eleven months as has been the previous situation.

The new section 44 contains the provisions relating to notice of assessment, appeals, changes in tax rates and distribution of taxes which were contained in the former sections 42, 43 and 44.

of taxes to be levied thereon shall be the amount of taxes that would have been levied for the portion of such taxation year left remaining after the change occurred if the assessment had been made in the usual way.

44.—(1) A person entitled to a notice of assessment pursuant to section 41 or assessed under section 42 or 43 shall be notified and be entitled to appeal as if the assessment had been regularly made and the assessment roll was returned fourteen days after the day of mailing of the notice of assessment. Notice and appeal

(2) Where a business assessment is made pursuant to section 42 or 43, the real property with respect to which such business assessment is computed is, from the time the land is occupied or used for the purpose of or in connection with any business mentioned in section 7, liable to taxation at the rate levied under subsection 2 of section 302 of *The Municipal Act*, and the clerk of the municipality shall amend the collector's roll accordingly. Change in tax rate
R.S.O. 1970, c. 284

(3) When the collector's roll is altered pursuant to section 42 or 43 and taxes are levied thereon, Distribution

(a) the amount thereof that, if the taxes had been levied in the usual way, would have been paid to any body, for which the council is required by law to levy rates or raise money, shall be set up in the accounts of the municipality as a credit accruing to that body in the same proportion as the levy for that body bears to the total levy;

(b) notwithstanding subsection 3 of section 47 of *The Public Schools Act* and subsection 2 of section 8 of *The Secondary Schools and Boards of Education Act*, the amount credited to a body under clause a shall be paid over to such body not later than the 31st day of December in the year in which it was levied and shall be used by such body to reduce the levy for the purposes of such body in the next succeeding year, and, if the amount or any portion thereof is not paid over to such body on or before the 31st day of December in the year in which it was levied, the municipality so in default shall, if demanded by such body, pay interest thereon to such body at the rate of 6 per cent per annum from such date until payment is made; R.S.O. 1970, cc. 385, 425

- (c) the balance remaining after the setting up of all credits as provided in clause *a* shall be taken into the general funds of the municipality;
- (d) notwithstanding clauses *a* and *b*, where in a secondary school district a municipality is required under an agreement or an award of a board of arbitrators or the Ontario Municipal Board to pay over to the secondary school board a fixed annual percentage of the costs of the erection or maintenance of a school or schools, it is not necessary for the municipality to pay over an amount to the secondary school board as required by clauses *a* and *b*, but the municipality shall set up a credit of the amounts that would but for this clause have been paid over to the board, which credit shall be used to reduce the levy for the board in the following year;
- (e) the treasurer shall deliver to each of the bodies entitled to a credit under clause *a*, on or before the 31st day of December in the year in which the taxes were levied, a statement sufficient to enable the body to determine the correctness of the credit.

s. 46,
re-enacted

16. Section 46 of the said Act, as amended by the Statutes of Ontario, 1971, chapter 79, section 9, is repealed and the following substituted therefor:

Time for
yearly
assessment
and return
of roll

46.—(1) Except as provided in section 42 or 43, in every municipality the assessment shall be made annually commencing in the year 1974 and at any time between the 1st day of January and the third Tuesday following the 1st day of December, and the assessment roll of the municipality shall be returned to the clerk not later than the third Tuesday following the 1st day of December in the year in which the assessment is made.

Extension
of time for
return of
roll

(2) Where in any year it appears that the assessment roll of a municipality or the assessment roll of an area within a municipality will not be or has not been returned to the clerk of the municipality as provided in subsection 1, the Minister may extend the time for the return of the assessment roll for such period as appears necessary.

Notice of
extension

(3) Where the Minister extends the time for the return of the assessment roll under subsection 2, he shall cause a notice of the extension, specifying the date to which the time has been extended and the final date for commencing an appeal to the Assessment Review Court, to be published in a

SECTION 16 re-enacts section 46 to provide for the return of assessment rolls in December of each year rather than by October 1st. It also provides that an annual assessment roll will again begin to be returned in Ontario in 1974.

In view of these changes, the provisions requiring the Assessment Review Court to hear assessment appeals by November 30th have been amended to enable the court to hear the appeals as soon as is practicable.

SECTION 17.—Subsection 1 substitutes references to assessment for the existing references to “under charged or over charged” in the provisions providing for notices of complaint.

Subsection 2 extends the time for giving a notice of complaint to an assessment from fourteen to twenty-one days after the return of the roll.

Subsection 3 repeals section 52 (5) which required advertisement of the sittings of the Assessment Review Court. Each person who has lodged an appeal is given notice of the sitting of the court and thus the required advertisement is no longer necessary.

Subsection 4. This change is consequential on the enlargement of the appeal period under section 55.

SECTION 18.—Subsection 1 changes the time period for an appeal to the County Court judge from fourteen days to twenty-one days.

Subsection 2 repeals section 55 (7, 8, 9) which dealt with time limits for appealing to a County Court judge and for determining appeals. Since these have been regarded as directory only, the section has been changed to provide that the County Court judge may adjourn hearings and defer judgment as long as he hears and disposes of appeals as soon as practicable.

SECTION 19. Subsection 1 removes the references to section 44 which are now contained in section 43.

Subsection 2 removes the reference to section 59 which was repealed by an earlier amendment.

daily or weekly newspaper that in the opinion of the Minister has such circulation within the municipality as to provide reasonable notice to persons affected thereby.

(4) The Assessment Review Court shall hear and dispose of all appeals in every municipality as soon as practicable. Time for disposing of appeals

17.—(1) Subsection 1 of section 52 of the said Act, as re-enacted by the Statutes of Ontario, 1971, chapter 79, section 10, is amended by striking out “undercharged or overcharged” in the fourth line and inserting in lieu thereof “assessed too low or too high”. s. 52 (1), amended

(2) Subsection 3 of the said section 52, as re-enacted by the Statutes of Ontario, 1971, chapter 79, section 10, is amended by striking out “fourteen” in the eighth line and in the tenth line and inserting in lieu thereof in each instance “twenty-one”. s. 52 (3), amended

(3) Subsection 5 of the said section 52 is repealed. s. 52 (5), repealed

(4) Subsection 14 of the said section 52 is amended by striking out “fourteen” in the tenth line and inserting in lieu thereof “twenty-one”. s. 52 (14), amended

18.—(1) Subsection 2 of section 55 of the said Act, as re-enacted by the Statutes of Ontario, 1972, chapter 125, section 15, is repealed and the following substituted therefor: s. 55 (2), re-enacted

(2) A notice of appeal to the county judge shall be sent by registered mail, within twenty-one days of the mailing of the notice under subsection 14 of section 52, by the party appealing to the regional registrar who shall forthwith mail a copy of such notice to the persons to whom notice was given under such subsection 14. Notice of appeal

(2) Subsections 7, 8 and 9 of the said section 55 are repealed and the following substituted therefor: s. 55 (7), re-enacted; s. 55 (8, 9), repealed

(7) At the court so held, the judge shall hear the appeals and may adjourn the hearing from time to time and defer judgment thereon at his pleasure but so that all appeals are heard and disposed of as soon as practicable. Hearing of appeals

19.—(1) Subsection 2 of section 63 of the said Act, as re-enacted by the Statutes of Ontario, 1972, chapter 125, section 17, is amended by striking out “43 or 44” in the third line and inserting in lieu thereof “or 43”. s. 63 (2), amended

(2) Subsection 4 of the said section 63 is amended by striking out “59” in the first line and inserting in lieu thereof “58”. s. 63 (4), amended

s. 64 (2),
amended

20. Subsection 2 of section 64 of the said Act is amended by striking out "lands in the municipality" in the second and third lines and inserting in lieu thereof "similar lands in the vicinity".

s. 70,
amended

21. Section 70 of the said Act is amended by striking out "business" in the third line and by striking out "whether or not the business assessment roll has been finally revised" in the fifth and sixth lines.

ss. 72, 73,
75,
repealed

22. Section 72, as amended by the Statutes of Ontario, 1971, chapter 79, section 12, and sections 73 and 75 of the said Act are repealed.

ss. 82, 84,
repealed

23. Sections 82 and 84 of the said Act are repealed.

s. 85,
amended

24. Section 85 of the said Act, as enacted by the Statutes of Ontario, 1971, chapter 79, section 13, is amended by inserting after "municipality" in the fifth line "for taxation".

s. 86
re-enacted

25. Section 86 of the said Act, as enacted by the Statutes of Ontario, 1971, chapter 79, section 13 and amended by 1972, chapter 125, section 19, is repealed and the following substituted therefor:

Roll to be
returned in
1974 and
1975

86. Subject to the other provisions of this Act and to the alterations, corrections, additions and amendments authorized by this Act, and for the purpose of any special or general Act,

(a) the assessment roll of a municipality to be returned in the year 1974 shall be the assessment of all real property as set forth in the assessment roll returned for the year 1970 for taxation in the year 1971 as amended, added to or otherwise altered up to the third Tuesday following the 1st day of December, 1974; and

(b) the assessment roll of a municipality to be returned in the year 1975 shall be the assessment of all real property as set forth in the assessment roll returned for the year 1974 for taxation in the year 1975 as amended, added to or otherwise altered up to the third Tuesday following the 1st day of December, 1975,

provided that where the assessor is of the opinion that an assessment to be shown on the assessment roll to be returned for the year 1974 or 1975 is inequitable with respect to the assessment of similar real property in the vicinity, the

SECTION 20 provides that in valuing any land, references to the value of other land shall include only similar land in the vicinity.

SECTION 21 removes references to a separate business assessment roll as such rolls are no longer in use.

SECTION 22 repeals sections 72, 73 and 75 which deal with the apportionment of county rates among the townships, the villages, etc., in a county. This apportionment is to be provided for in *The Municipal Act* at which time a proclamation repealing these sections will be made.

SECTION 23 repeals sections 82 and 84. No municipality now maintains the separate business assessment roll provided for in section 82. Section 84 is repealed because of the new exemption provided in section 2 (1) of the Bill.

SECTION 24 amends section 85 to make it clear that taxation in the years 1971 to 1974 is based on the 1970 assessment roll.

SECTION 25 re-enacts section 86 and provides for the maintenance of present levels of assessment in 1974 and 1975. The section also provides for the alteration of an assessment where the assessor is of the opinion that it is inequitable with respect to the assessment of similar real property in the vicinity.

SECTION 26 ensures that only where there has been an increase in value pursuant to section 43 (a) of \$2,500 or a cumulative increase in value totalling at least \$2,500 since July 23rd, 1971, can there be an amendment to the assessment or collector's roll.

SECTION 27 repeals sections 88 and 89. This will allow the normal appeal procedures to come into effect.

SECTION 28 repeals section 93. In view of the return of annual rolls, the section being repealed will no longer be necessary.

SECTION 29 repeals section 94. In view of the return of annual rolls, section 94 will no longer be necessary.

assessor may alter the value of the assessment to the extent necessary to make the assessment equitable with the assessment of such similar real property.

- 26.** Section 87 of the said Act, as enacted by the Statutes of Ontario, 1971, chapter 79, section 13, is repealed and the following substituted therefor: s. 87,
re-enacted

87. No amendment shall be made to the assessment or collector's roll pursuant to clause *a* of section 43 until the cumulative value of the increase since the 23rd day of July, 1971, is at least in the sum of \$2,500 at market value or, if the assessment in the vicinity is at less than market value, at an equivalent rate. No amendment
to roll until
increase at
least \$2,500

- 27.** Sections 88 and 89 of the said Act, as enacted by the Statutes of Ontario, 1971, chapter 79, section 13, are repealed. ss. 88, 89,
repealed

- 28.** Section 93 of the said Act, as enacted by the Statutes of Ontario, 1971, chapter 79, section 13, is repealed. s. 93,
repealed

- 29.** Section 94 of the said Act, as enacted by the Statutes of Ontario, 1971, chapter 79, section 13, and amended by 1973, chapter 148, section 2, is repealed. s. 94,
repealed

- 30.** Section 95 of the said Act, as enacted by the Statutes of Ontario, 1971, chapter 79, section 13 and amended by 1973, chapter 148, section 3, is further amended by striking out "1st day of October" in the first and second lines and inserting in lieu thereof "21st day of December". s. 95,
amended

- 31.** Section 96 of the said Act, as enacted by the Statutes of Ontario, 1971, chapter 79, section 13 and amended by 1972, chapter 125, section 20 and 1973, chapter 148, section 4, is repealed and the following substituted therefor: s. 96,
re-enacted

96.—(1) Subject to section 97, subsection 6 of section 33 continues to be not in force and remains inoperative until the 1st day of January, 1976. Application

(2) Section 71 continues to be not in force and remains inoperative until the 1st day of January, 1977. Idem

- 32.—**(1) This Act, except sections 2, 6, 7, 11, 13, 14, 15, 19, 22, 23, 25 and 26, comes into force on the day it receives Royal Assent. Commence-
ment

(2) Sections 6, 7, 11, 13, 14, 15, 19, 25 and 26 come into force on the 1st day of December, 1974. Idem

- Idem (3) Sections 2 and 23 come into force on the 1st day of January, 1975.
- Idem (4) Section 22 comes into force on a day to be named by proclamation of the Lieutenant Governor.
- Short title **33.** This Act may be cited as *The Assessment Amendment Act, 1974*.

An Act to amend
The Assessment Act

1st Reading

June 13th, 1974

2nd Reading

3rd Reading

THE HON. A. K. MEEN
Minister of Revenue

(Government Bill)

BILL 87

CA20N

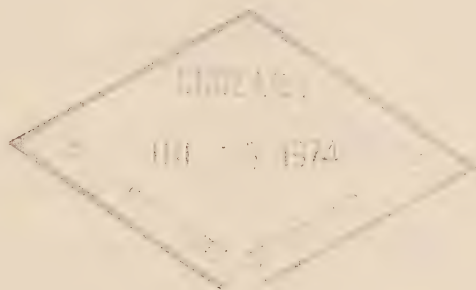
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4TH SESSION, 29TH LEGISLATURE, ONTARIO
23 ELIZABETH II, 1974

An Act to amend The Assessment Act

THE HON. A. K. MEEN
Minister of Revenue



TORONTO

PRINTED BY J. C. THATCHER, QUEEN'S PRINTER FOR ONTARIO

An Act to amend The Assessment Act

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Clause *m* of section 1 of *The Assessment Act*, being chapter <sup>s. 1 (m),
amended</sup> 32 of the Revised Statutes of Ontario, 1970, as re-enacted by the Statutes of Ontario, 1971, chapter 79, section 1, is amended by striking out "except in section 38" in the first line.
- 2.—(1) Section 3 of the said Act, as amended by the Statutes <sup>s. 3,
amended</sup> of Ontario, 1971, chapter 79, section 2 and 1973, chapter 26, section 1, is further amended by adding thereto the following paragraph:
 - 17a. All machinery and equipment including the four- <sup>Machinery
for
producing
electric
power</sup> dations on which they rest to the extent and in the proportion used for producing electric power for sale to the general public but not including any other buildings, structures, structural facilities or fixtures used in connection therewith.
- (2) Paragraph 19 of the said section 3, as re-enacted <sup>s. 3,
par. 19,
re-enacted</sup> by the Statutes of Ontario, 1971, chapter 79, section 2, is repealed and the following substituted therefor:
 19. The buildings, plant and machinery under mineral <sup>Mineral land
and minerals</sup> land and the machinery in or on such land only to the extent and in the proportion that such buildings, plant and machinery are used for obtaining minerals from the ground, and all minerals, other than diatomaceous earth, limestone, marl, peat, clay, building stone, stone for ornamental or decorative purposes, or non-auriferous sand or gravel, that are in, on or under land.
3. Clause *d* of subsection 1 of section 7 of the said Act is <sup>s. 7 (1) (d),
re-enacted</sup> repealed and the following substituted therefor:

(d) Every person carrying on the business of a manufacturer, including the business of a flour miller, maltster, a concentrator or smelter of ore or metals, and the business of obtaining minerals from the ground, for a sum equal to 60 per cent of the assessed value, provided that a manufacturer is not liable to business assessment as a wholesale merchant by reason of his carrying on the business of selling by wholesale the goods of his own manufacture on such land.

s. 13 (2),
amended

4. Subsection 2 of section 13 of the said Act is amended by striking out "in the census register" in the ninth and tenth lines and inserting in lieu thereof "concerning whom he is required to obtain any information for the purpose of the census required by section 23".

s. 16 (1),
amended

5. Subsection 1 of section 16 of the said Act is amended by striking out "mentioned in section 9" in the fourth line and inserting in lieu thereof "or notice mentioned in section 33 or 38".

s. 17 (3),
re-enacted

6. Subsection 3 of section 17 of the said Act, as re-enacted by the Statutes of Ontario, 1972, chapter 125, section 4, is repealed and the following substituted therefor:

Apportion-
ment of
value of
multiple
occupancy

(3) The value of an assessment of an entire parcel of real property that is occupied by more than one person to be assessed under this Act shall be apportioned on the assessment roll among the occupants of the entire real property who are to be assessed in that proportion that the fair market rent of the space occupied by each occupant bears to the fair market rent of the entire parcel of real property so that the sum of the values apportioned to each occupant shall be equal to the value of the assessment of the entire parcel of real property.

s. 24 (1),
re-enacted

7. Subsection 1 of section 24 of the said Act, as re-enacted by the Statutes of Ontario, 1972, chapter 125, section 7, is repealed and the following substituted therefor:

Land to be
assessed
against
owner and
tenant

(1) Subject to section 26, land shall be assessed against the owner thereof and against the tenant to the extent of the assessed value of the portion of the land occupied by the tenant.

s. 25,
repealed

8. Section 25 of the said Act is repealed.

s. 32 (4),
amended

9. Subsection 4 of section 32 of the said Act is amended by striking out "steam" in the fifth line.

10. Subsection 2 of section 33 of the said Act is amended by <sup>s. 33 (2),
amended</sup> striking out "July" in the first line and inserting in lieu thereof "October" and by striking out "June" in the fourth line and inserting in lieu thereof "September".
11. Subsection 3 of section 35 of the said Act is amended by <sup>s. 35 (3),
amended</sup> striking out "average value at which lands are assessed in the municipality" in the seventh and eighth lines and inserting in lieu thereof "value at which lands are assessed in the immediate vicinity".
- 12.—(1) Subsection 1 of section 38 of the said Act is repealed and <sup>s. 38 (1),
re-enacted</sup> the following substituted therefor:
- (1) Every railway company shall transmit annually on <sup>Railway
companies
to furnish
statements</sup> or before the 1st day of July to the assessment commissioner of every municipality or locality in which any part of the roadway or other real property of the company is situated, a statement showing,
- (a) the quantity of land occupied by the roadway, and a description sufficient to identify what land is so occupied;
 - (b) the vacant land owned by the company and not in actual use by the company;
 - (c) the quantity of land occupied by the railway and being a part of a highway, street, road or other public land, but not being a highway, street or road that is merely crossed by the railway; and
 - (d) the real property, other than that referred to in clause *a*, *b* or *c*, in actual use and occupation by the railway.
- (2) Clause *a* of subsection 2 of the said section 38 is <sup>s. 38 (2) (a),
amended</sup> amended by striking out "actual value thereof according to the average value of land in the locality" in the first and second lines and inserting in lieu thereof "value at which lands are assessed in the immediate vicinity".
13. Subsection 1 of section 40 of the said Act, as amended by <sup>s. 40 (1),
amended</sup> the Statutes of Ontario, 1972, chapter 125, section 12, is further amended by striking out "fifteen" in the second line and inserting in lieu thereof "fourteen".
14. Section 41 of the said Act is amended by striking out <sup>s. 41,
amended</sup> "error" in the fourth line and in the sixth line and inserting in lieu thereof in each instance "defect, error, omission or misstatement".

ss. 42-44,
re-enacted

- 15.** Section 42 as amended by the Statutes of Ontario, 1971, chapter 79, section 7 and 1972, chapter 125, section 13, section 43 as amended by the Statutes of Ontario, 1971, chapter 79, section 8 and section 44 of the said Act are repealed and the following substituted therefor:

Assessment
omitted
from
collector's
roll

42.—(1) If any land liable to assessment or any business assessment, has been in whole or in part omitted from the collector's roll for the current year or for any part or all of either or both of the next two preceding years, and no taxes have been levied for the assessment omitted, the assessor shall make any assessment necessary to rectify the omission and the clerk of the municipality upon notification thereof shall enter the assessment on the collector's roll and such taxes as would have been payable if the assessment had not been omitted shall be levied and collected.

Interpre-
tation

(2) For the purposes of this section, "omitted" includes the invalidation or setting aside of an assessment by any court or assessment tribunal on any ground except that the land is not liable to taxation.

Supple-
mentary
assessments
to be added
to collector's
roll

43. If, after notices of assessment have been given pursuant to section 40 and before the last day of the taxation year for which taxes are levied on the assessment referred to in the notices,

- (a) an increase in value occurs which results from the erection, alteration, enlargement or improvement of any building, structure, machinery, equipment or fixture or any portion thereof that commences to be used for any purpose;
- (b) land or a portion thereof ceases to be exempt from taxation or to be used for the purpose set forth in subsection 3 of section 27;
- (c) a person commences to occupy or use land for the purpose of, or in connection with, any business mentioned or described in section 7;
- (d) a pipeline increases in value because it ceases to be entitled to the reduction provided for in subsection 9 of section 33,

the assessor shall make such further assessment as may be necessary to reflect the change, and the clerk of the municipality upon notification thereof shall enter a supplementary assessment on the collector's roll and the amount

of taxes to be levied thereon shall be the amount of taxes that would have been levied for the portion of such taxation year left remaining after the change occurred if the assessment had been made in the usual way.

44.—(1) A person entitled to a notice of assessment pursuant to section 41 or assessed under section 42 or 43 shall be notified and be entitled to appeal as if the assessment had been regularly made and the assessment roll was returned fourteen days after the day of mailing of the notice of assessment. ^{Notice and appeal}

(2) Where a business assessment is made pursuant to section 42 or 43, the real property with respect to which such business assessment is computed is, from the time the land is occupied or used for the purpose of or in connection with any business mentioned in section 7, liable to taxation at the rate levied under subsection 2 of section 302 of *The Municipal Act*, and the clerk of the municipality shall amend the collector's roll accordingly. ^{Change in tax rate} ^{R.S.O. 1970, c. 284}

(3) When the collector's roll is altered pursuant to section 42 or 43 and taxes are levied thereon, ^{Distribution}

(a) the amount thereof that, if the taxes had been levied in the usual way, would have been paid to any body, for which the council is required by law to levy rates or raise money, shall be set up in the accounts of the municipality as a credit accruing to that body in the same proportion as the levy for that body bears to the total levy;

(b) notwithstanding subsection 3 of section 47 of *The Public Schools Act* and subsection 2 of section 8 of *The Secondary Schools and Boards of Education Act*, the amount credited to a body under clause a shall be paid over to such body not later than the 31st day of December in the year in which it was levied and shall be used by such body to reduce the levy for the purposes of such body in the next succeeding year, and, if the amount or any portion thereof is not paid over to such body on or before the 31st day of December in the year in which it was levied, the municipality so in default shall, if demanded by such body, pay interest thereon to such body at the rate of 6 per cent per annum from such date until payment is made; ^{R.S.O. 1970, cc. 385, 425}

- (c) the balance remaining after the setting up of all credits as provided in clause *a* shall be taken into the general funds of the municipality;
- (d) notwithstanding clauses *a* and *b*, where in a secondary school district a municipality is required under an agreement or an award of a board of arbitrators or the Ontario Municipal Board to pay over to the secondary school board a fixed annual percentage of the costs of the erection or maintenance of a school or schools, it is not necessary for the municipality to pay over an amount to the secondary school board as required by clauses *a* and *b*, but the municipality shall set up a credit of the amounts that would but for this clause have been paid over to the board, which credit shall be used to reduce the levy for the board in the following year;
- (e) the treasurer shall deliver to each of the bodies entitled to a credit under clause *a*, on or before the 31st day of December in the year in which the taxes were levied, a statement sufficient to enable the body to determine the correctness of the credit.

s. 46,
re-enacted

16. Section 46 of the said Act, as amended by the Statutes of Ontario, 1971, chapter 79, section 9, is repealed and the following substituted therefor:

Time for
yearly
assessment
and return
of roll

46.—(1) Except as provided in section 42 or 43, in every municipality the assessment shall be made annually commencing in the year 1974 and at any time between the 1st day of January and the third Tuesday following the 1st day of December, and the assessment roll of the municipality shall be returned to the clerk not later than the third Tuesday following the 1st day of December in the year in which the assessment is made.

Extension
of time for
return of
roll

(2) Where in any year it appears that the assessment roll of a municipality or the assessment roll of an area within a municipality will not be or has not been returned to the clerk of the municipality as provided in subsection 1, the Minister may extend the time for the return of the assessment roll for such period as appears necessary.

Notice of
extension

(3) Where the Minister extends the time for the return of the assessment roll under subsection 2, he shall cause a notice of the extension, specifying the date to which the time has been extended and the final date for commencing an appeal to the Assessment Review Court, to be published in a

daily or weekly newspaper that in the opinion of the Minister has such circulation within the municipality as to provide reasonable notice to persons affected thereby.

(4) The Assessment Review Court shall hear and dispose of all appeals in every municipality as soon as practicable. Time for disposing of appeals

17.—(1) Subsection 1 of section 52 of the said Act, as re-enacted by the Statutes of Ontario, 1971, chapter 79, section 10, is amended by striking out “undercharged or overcharged” in the fourth line and inserting in lieu thereof “assessed too low or too high”. s. 52 (1), amended

(2) Subsection 3 of the said section 52, as re-enacted by the Statutes of Ontario, 1971, chapter 79, section 10, is amended by striking out “fourteen” in the eighth line and in the tenth line and inserting in lieu thereof in each instance “twenty-one”. s. 52 (3), amended

(3) Subsection 5 of the said section 52 is repealed. s. 52 (5), repealed

(4) Subsection 14 of the said section 52 is amended by striking out “fourteen” in the tenth line and inserting in lieu thereof “twenty-one”. s. 52 (14), amended

18.—(1) Subsection 2 of section 55 of the said Act, as re-enacted by the Statutes of Ontario, 1972, chapter 125, section 15, is repealed and the following substituted therefor: s. 55 (2), re-enacted

(2) A notice of appeal to the county judge shall be sent by registered mail, within twenty-one days of the mailing of the notice under subsection 14 of section 52, by the party appealing to the regional registrar who shall forthwith mail a copy of such notice to the persons to whom notice was given under such subsection 14. Notice of appeal

(2) Subsections 7, 8 and 9 of the said section 55 are repealed and the following substituted therefor: s. 55 (7), re-enacted; s. 55 (8, 9), repealed

(7) At the court so held, the judge shall hear the appeals and may adjourn the hearing from time to time and defer judgment thereon at his pleasure but so that all appeals are heard and disposed of as soon as practicable. Hearing of appeals

19.—(1) Subsection 2 of section 63 of the said Act, as re-enacted by the Statutes of Ontario, 1972, chapter 125, section 17, is amended by striking out “43 or 44” in the third line and inserting in lieu thereof “or 43”. s. 63 (2), amended

(2) Subsection 4 of the said section 63 is amended by striking out “59” in the first line and inserting in lieu thereof “58”. s. 63 (4), amended

s. 64 (2),
amended

- 20.** Subsection 2 of section 64 of the said Act is amended by striking out "lands in the municipality" in the second and third lines and inserting in lieu thereof "similar lands in the vicinity".

s. 70,
amended

- 21.** Section 70 of the said Act is amended by striking out "business" in the third line and by striking out "whether or not the business assessment roll has been finally revised" in the fifth and sixth lines.

ss. 72, 73,
75,
repealed

- 22.** Section 72, as amended by the Statutes of Ontario, 1971, chapter 79, section 12, and sections 73 and 75 of the said Act are repealed.

ss. 82, 84,
repealed

- 23.** Sections 82 and 84 of the said Act are repealed.

s. 85,
amended

- 24.** Section 85 of the said Act, as enacted by the Statutes of Ontario, 1971, chapter 79, section 13, is amended by inserting after "municipality" in the fifth line "for taxation".

s. 86
re-enacted

- 25.** Section 86 of the said Act, as enacted by the Statutes of Ontario, 1971, chapter 79, section 13 and amended by 1972, chapter 125, section 19, is repealed and the following substituted therefor:

86. Subject to the other provisions of this Act and to the alterations, corrections, additions and amendments authorized by this Act, and for the purpose of any special or general Act,

- (a) the assessment roll of a municipality to be returned in the year 1974 shall be the assessment of all real property as set forth in the assessment roll returned for the year 1970 for taxation in the year 1971 as amended, added to or otherwise altered up to the third Tuesday following the 1st day of December, 1974; and
- (b) the assessment roll of a municipality to be returned in the year 1975 shall be the assessment of all real property as set forth in the assessment roll returned for the year 1974 for taxation in the year 1975 as amended, added to or otherwise altered up to the third Tuesday following the 1st day of December, 1975,

provided that where the assessor is of the opinion that an assessment to be shown on the assessment roll to be returned for the year 1974 or 1975 is inequitable with respect to the assessment of similar real property in the vicinity, the

Roll to be
returned in
1974 and
1975

assessor may alter the value of the assessment to the extent necessary to make the assessment equitable with the assessment of such similar real property.

- 26.** Section 87 of the said Act, as enacted by the Statutes of Ontario, 1971, chapter 79, section 13, is repealed and the following substituted therefor: ^{s. 87, re-enacted}

87. No amendment shall be made to the assessment or collector's roll pursuant to clause *a* of section 43 until the cumulative value of the increase since the 23rd day of July, 1971, is at least in the sum of \$2,500 at market value or, if the assessment in the vicinity is at less than market value, at an equivalent rate. ^{No amendment to roll until increase at least \$2,500}

- 27.** Sections 88 and 89 of the said Act, as enacted by the Statutes of Ontario, 1971, chapter 79, section 13, are repealed. ^{ss. 88, 89, repealed}

- 28.** Section 93 of the said Act, as enacted by the Statutes of Ontario, 1971, chapter 79, section 13, is repealed. ^{s. 93, repealed}

- 29.** Section 94 of the said Act, as enacted by the Statutes of Ontario, 1971, chapter 79, section 13, and amended by 1973, chapter 148, section 2, is repealed. ^{s. 94, repealed}

- 30.** Section 95 of the said Act, as enacted by the Statutes of Ontario, 1971, chapter 79, section 13 and amended by 1973, chapter 148, section 3, is further amended by striking out "1st day of October" in the first and second lines and inserting in lieu thereof "21st day of December". ^{s. 95, amended}

- 31.** Section 96 of the said Act, as enacted by the Statutes of Ontario, 1971, chapter 79, section 13 and amended by 1972, chapter 125, section 20 and 1973, chapter 148, section 4, is repealed and the following substituted therefor: ^{s. 96, re-enacted}

96.—(1) Subject to section 97, subsection 6 of section 33 continues to be not in force and remains inoperative until the 1st day of January, 1976. ^{Application}

(2) Section 71 continues to be not in force and remains inoperative until the 1st day of January, 1977. ^{Idem}

- 32.—**(1) This Act, except sections 2, 6, 7, 11, 13, 14, 15, 19, 22, 23, 25 and 26, comes into force on the day it receives Royal Assent. ^{Commencement}

(2) Sections 6, 7, 11, 13, 14, 15, 19, 25 and 26 come into force on the 1st day of December, 1974. ^{Idem}

- Idem (3) Sections 2 and 23 come into force on the 1st day of January, 1975.
- Idem (4) Section 22 comes into force on a day to be named by proclamation of the Lieutenant Governor.
- Short title **33.** This Act may be cited as *The Assessment Amendment Act, 1974*.

An Act to amend
The Assessment Act

1st Reading

June 13th, 1974

2nd Reading

June 18th, 1974

3rd Reading

June 21st, 1974

THE HON. A. K. MEEN
Minister of Revenue

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B56

4TH SESSION, 29TH LEGISLATURE, ONTARIO
23 ELIZABETH II, 1974

An Act to amend The Planning Act

THE HON. J. WHITE
Treasurer of Ontario and Minister of Economics
and Intergovernmental Affairs



EXPLANATORY NOTES

SECTION 1. The amendment authorizes the Minister to approve an official plan in parts.

SECTION 2. Subsection 1 is re-enacted to remove the requirement for the Minister's approval for the acquisition of land for the purpose of developing any feature of an official plan.

SECTION 3. The authority of the Minister to provide financial assistance to municipalities in respect of redevelopment is extended to include assistance with the cost of the studies required to select areas to be redeveloped. This will enable assistance for studies related to projects undertaken under the Federal Neighbourhood Improvement Program.

SECTION 4.—Subsection 1. The new subsection 1*a* clarifies that the subdivision and part lot control provisions, as provided in section 29, do not apply and never have applied, in the situation where land that is being conveyed abuts other land only on a horizontal plane; that is in the situation where mineral and surface rights are severed.

The new subsection 4*a* provides that the subdivision and part lot control provisions do not prohibit, and they are deemed never to have prohibited the giving back of a mortgage by a purchaser of land to the vendor where the mortgage covers all of the land that is being sold. This provision will relieve of the necessity of applying for a consent in the situation where mortgages are given back on the assembly of a number of parcels of separately-owned abutting lands.

An Act to amend The Planning Act

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Section 14 of *The Planning Act*, being chapter 349 of the Revised Statutes of Ontario, 1970, as amended by the Statutes of Ontario, 1973, chapter 168, section 4, is further amended by adding thereto the following subsection:

(3) Notwithstanding subsection 2, the Minister may approve any part of the plan and may from time to time approve additional parts of the plan and such part or parts together as approved from time to time is the official plan of the planning area, provided that nothing herein derogates from the right of any person to request the Minister to refer any part of the plan to the Municipal Board under section 15.

2. Subsection 1 of section 21 of the said Act is repealed and the following substituted therefor:

(1) If there is an official plan in effect in a municipality that includes provisions relating to the acquisition of land, which provisions have been approved by the Minister subsequent to the coming into force of this subsection, the council may, in accordance with such provisions, acquire and hold land within the municipality for the purpose of developing any feature of the official plan, provided that any land so acquired or held may be sold, leased or otherwise disposed of when no longer required.

3. Section 24 of the said Act is amended by adding at the end thereof "including the carrying out of studies for the purpose of selecting areas for redevelopment".

- 4.—(1) Section 29 of the said Act, as amended by the Statutes of Ontario, 1971, chapter 2, section 1, 1972, chapter 118, section 3 and 1973, chapter 168, section 6, is further amended by adding thereto the following subsections:

Proviso

(1a) For the purposes of this section, land shall be deemed and shall always have been deemed not to abut land that is being conveyed or otherwise dealt with if it abuts such land on a horizontal plane only.

Exception

(4a) Nothing in subsections 2 and 4 prohibits, and subsections 2 and 4 shall be deemed never to have prohibited, the giving back of a mortgage or charge by a purchaser of land to the vendor of the land as part or all of the consideration for the conveyance of the land provided that the mortgage or charge applies to all of the land described in the conveyance.

s. 29 (5c),
re-enacted

(2) Subsection 5c of the said section 29, as enacted by the Statutes of Ontario, 1973, chapter 168, section 6, is repealed and the following substituted therefor:

Saving

(5c) Subsection 5b does not apply to a partial discharge of mortgage or partial cessation of charge where the land described in the partial discharge or partial cessation,

(a) is the same land in respect of which a consent to convey has previously been given; or

(b) includes only the whole of one or more lots or blocks within a registered plan of subdivision, unless such plan of subdivision has been designated under subsection 3; or

(c) is owned by Her Majesty in right of Canada or Her Majesty in right of Ontario or by any municipality, metropolitan municipality, regional municipality, district municipality or county.

s. 33 (5) (d),
re-enacted

5.—(1) Clause *d* of subsection 5 of section 33 of the said Act is repealed and the following substituted therefor:

(d) that the owner of the land enter into one or more agreements with the municipality, or, where the land is not in a municipality, with the Minister, dealing with such matters as the Minister may consider necessary, including the provision of municipal services.

s. 33 (6),
re-enacted

(2) Subsection 6 of the said section 33, as amended by the Statutes of Ontario, 1973, chapter 168, section 9, is repealed and the following substituted therefor:

Subsection 2. Subsection 5c is re-enacted to relieve of the necessity of securing a consent to a partial discharge of mortgage where a consent has previously been given to the conveyance of the same land and also where the land described in the partial discharge is owned by the Crown or any type of municipality.

SECTION 5. Subsections 5 and 6 of section 33 are amended to provide authority for the Minister to enter into and enforce subdivision agreements where land that is not within the limits of any municipality is being subdivided.

SECTION 6. The section added empowers a municipality that has enacted a by-law prescribing standards of maintenance and occupancy of property to designate, by by-law, areas of demolition control within the municipality. The effect of such designation is that within the area no residential property, as defined in the section, may be demolished without a permit issued by the council of the municipality. An appeal is provided to the Municipal Board from the refusal of council to issue a permit. The council may not refuse a demolition permit in the circumstances where a building permit has been obtained to erect a new building on the site of the property proposed to be demolished but in such case the permit to demolish may be issued on the condition that the new building be erected within such time as the permit specifies, failing which the owner of the property is liable to a monetary penalty. Provisions are included for appealing against the conditions to be imposed and for seeking relief under circumstances where it is made to appear it is not possible or not feasible to comply with them. The demolition of residential property in an area of demolition control without having obtained a permit is made an offence carrying a fine of up to \$20,000 or imprisonment for a term of up to six months or both a fine and imprisonment.

(6) Every municipality and the Minister may enter into ^{Subdivision agreements} agreements imposed as a condition to the approval of a plan of subdivision and any such agreement may be registered against the land to which it applies and the municipality or the Minister, as the case may be, shall be entitled to enforce the provisions thereof against the owner and, subject to the provisions of *The Registry Act* and *The* ^{R.S.O. 1970, cc. 409, 234} *Land Titles Act*, any and all subsequent owners of the land.

6. The said Act is amended by adding thereto the following ^{s. 37a, enacted} section:

37a.—(1) In this section, “residential property” means ^{Interpretation} a building the whole or any portion of which is used or intended for use for the purposes of human habitation but does not include subordinate or accessory buildings the use of which is incidental to the use of the main building.

(2) When a by-law under section 36 or a predecessor ^{Demolition control areas may be established by by-law} thereof is in force in a municipality or when a by-law prescribing standards for the maintenance and occupancy of property under any special Act is in force in a municipality, the council of the municipality may by by-law designate any area within the municipality to which the standards of maintenance and occupancy by-law applies as an area of demolition control and thereafter no person shall demolish the whole or any part of any residential property in the area of demolition control unless he is the holder of a demolition permit issued by the council under this section.

(3) Subject to subsection 6, where application is made ^{Council may issue or refuse to issue permit} to the council for a permit to demolish residential property, the council may issue the permit or refuse to issue the permit.

(4) Where the council refuses to issue the permit or ^{Appeal to O.M.B.} neglects to make a decision thereon within one month after the receipt by the clerk of the municipality of the application, the applicant may appeal to the Municipal Board and the Municipal Board shall hear the appeal and either dismiss the same or direct that the demolition permit be issued, and the decision of the Board shall be final.

(5) The person appealing to the Municipal Board under ^{Notice of appeal} subsection 4 shall, in such manner and to such persons as the Municipal Board may direct, give notice of the appeal to the Board.

Application
for demolition
permit where
building
permit has
been issued

(6) Subject to subsection 7, the council shall on application therefor, issue a demolition permit where a building permit has been issued to erect a new building on the site of the residential property sought to be demolished.

Conditions
of demolition
permit

(7) A demolition permit under subsection 6 may be issued on the condition that the applicant for the permit construct and substantially complete the new building to be erected on the site of the residential property proposed to be demolished by not later than such date as the permit specifies, such date being not less than two years from the day demolition of the existing residential property is commenced, and on the condition that on the failure to complete the new building within the time specified in the permit, the clerk of the municipality shall be entitled to enter on the collector's roll, to be collected in like manner as municipal taxes, such sum of money as the permit specifies, but not in any case to exceed the sum of \$20,000, and such sum shall, until payment thereof, be a lien or charge upon the land in respect of which the permit to demolish the residential property is issued.

Registra-
tion of
certificate

(8) Where the clerk of the municipality adds a sum of money to the collector's roll under subsection 7, a certificate signed by the clerk setting out the amount of the sum added to the roll, together with a description of the land in respect of which the sum has been added to the roll, sufficient for registration, shall be registered in the proper land registry office against the land, and upon repayment in full to the municipality of the sum added to the roll, a certificate signed by the clerk of the municipality showing such payment shall be similarly registered, and thereupon the lien or charge upon the land in respect of which the sum was added to the roll is discharged.

Appeal to
O.M.B.

(9) Where an applicant for a demolition permit under subsection 6 is not satisfied as to the conditions on which the demolition permit is proposed to be issued, he may appeal to the Municipal Board for a variation of the conditions and, where an appeal is brought, the Board shall hear the appeal and may dismiss the same or may direct that the conditions upon which the permit shall be issued be varied in such manner as the Board considers appropriate, and the decision of the Board shall be final.

Application
to council
for relief
from
conditions
of demolition
permit

(10) Where any person who has obtained a demolition permit under subsection 6 that is subject to conditions under subsection 7 considers that it is not possible to complete the new building within the time specified in the

permit or where he is of the opinion that the construction of the new building has become not feasible on economic or other grounds, he may apply to the council of the municipality for relief from the conditions on which the permit was issued, by sending notice of application by registered mail to the clerk of the municipality not less than sixty days before the time specified in the permit for the completion of the new building and where the council under subsection 11 extends the time for completion of the new building, application may similarly be made for relief by sending notice of application not less than sixty days before the expiry of the extended completion time.

(11) Where an application is made under subsection 10, ^{Powers of council on application} the council shall consider the application and may grant the same or may extend the time for completion of the new building for such period of time and on such terms and conditions as the council considers appropriate or the council may relieve the person applying from the requirement of constructing the new building.

(12) Any person who has made application to the council ^{Appeal to O.M.B.} under subsection 10, may appeal from the decision of the council to the Municipal Board within fourteen days of the mailing of the notice of the decision, or where the council refuses or neglects to make a decision thereon within one month after the receipt by the clerk of the application, the applicant may appeal to the Board and the Municipal Board shall hear the appeal and the Board on the appeal has the same powers as the council has under subsection 11 and the decision of the Board shall be final.

(13) Every person who demolishes a residential property, ^{Offence} or any portion thereof, in contravention of subsection 2 is guilty of an offence and on summary conviction is liable to a fine of not more than \$20,000 or to imprisonment for a term of not more than six months, or to both.

(14) The provisions of any general or special Act and ^{Standards for health and safety remain in force} any by-law passed thereunder respecting standards relating to the health or safety of the occupants of buildings and structures remain in full force and effect in respect of residential property situate within an area of demolition control.

(15) Notwithstanding subsection 14, an application to ^{Certain proceedings stayed} the council for a permit to demolish any residential property operates as a stay to any proceedings that may have been initiated under any by-law under section 36 or a predecessor thereof or under any special Act respecting maintenance

or occupancy standards in respect of the residential property sought to be demolished, until the council disposes of the application, or where an appeal is taken under subsection 4, until the Municipal Board has heard the appeal and issued its order thereon.

Application
of s. 38 (1),
par. 8

(16) Where a permit to demolish residential property is obtained under this section, it is not necessary for the holder thereof to obtain the permit mentioned in paragraph 7 of subsection 1 of section 38, but the holder of the permit shall comply with the provisions of any by-law passed under that paragraph regulating the removal or wrecking of buildings and structures.

s. 44a,
re-enacted

7. Section 44a of the said Act, as enacted by the Statutes of Ontario, 1972, chapter 118, section 11, is repealed and the following substituted therefor:

Resumption
by Minister
of matter
referred to
O.M.B.

44a. When under this Act the Minister has referred a matter to the Municipal Board the matter may be taken back from the Board by the Minister at any time prior to a decision in respect thereof having been made by the Board, provided however that where a matter has been referred to the Board pursuant to the request of any person the matter shall not be taken back from the Board by the Minister except on the further request of such person and with the concurrence of all other persons, if any, who had requested that the matter be referred to the Board.

s. 44b (1, 2),
re-enacted

8. Subsections 1 and 2 of section 44b of the said Act, as enacted by the Statutes of Ontario, 1973, chapter 168, section 13, are repealed and the following substituted therefor:

Interpre-
tation

(1) Notwithstanding clauses *a* and *g* of section 1, "council" for the purposes of this section and sections 44c and 44d means,

(a) the council of a city, town, village, township or county that has been designated by order of the Treasurer as a municipality to which may be delegated any of the Minister's authority under this Act; and

(b) the council of a metropolitan, regional or district municipality.

Delegation
of
Minister's
powers

(2) The Minister on the request of a council may by order delegate to the council any of the Minister's authority under this Act and where the Minister has delegated

SECTION 7. The section is re-enacted to authorize the Minister to take back from the Municipal Board any matter that he has referred to the Board on his own initiative. As presently worded, the section authorizes a matter to be taken back only in the situation where the Minister has been requested to refer the matter to the Board and such person has requested the Minister to take the matter back.

SECTION 8. Subsections 1 and 2 are re-enacted to clarify the authority for delegation to a municipal council of any of the Minister's authority under the Act.

any such authority, the council has, in lieu of the Minister, all the powers and rights of the Minister in respect thereof and the council shall be responsible for all matters pertaining thereto, including, without limiting the generality of the foregoing, the referral of any matter to the Municipal Board.

9.—(1) This Act, except subsection 2 of section 4, comes into ^{Commence-}force on the day it receives Royal Assent.^{ment}

(2) Subsection 2 of section 4 shall be deemed to have ^{Idem}come into force on the 17th day of December, 1973.

10. This Act may be cited as *The Planning Amendment Act*, ^{Short title}1974.

An Act to amend
The Planning Act

1st Reading

June 13th, 1974

2nd Reading

3rd Reading

THE HON. J. WHITE
Treasurer of Ontario and
Minister of Economics and
Intergovernmental Affairs

(Government Bill)

BILL 88

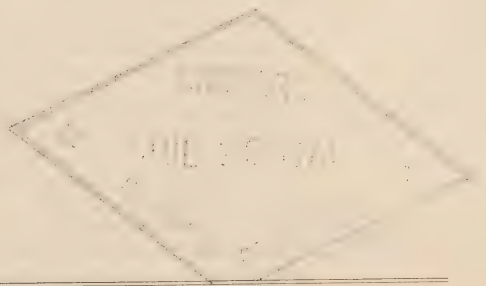
Government Bill

4TH SESSION, 29TH LEGISLATURE, ONTARIO
23 ELIZABETH II, 1974

An Act to amend The Planning Act

THE HON. J. WHITE
Treasurer of Ontario and Minister of Economics
and Intergovernmental Affairs

(Reprinted as amended by the Committee of the Whole House)



TORONTO

PRINTED BY J. C. THATCHER, QUEEN'S PRINTER FOR ONTARIO

EXPLANATORY NOTES

SECTION 1. The amendment authorizes the Minister to approve an official plan in parts.

SECTION 2. Subsection 1 is re-enacted to remove the requirement for the Minister's approval for the acquisition of land for the purpose of developing any feature of an official plan.

SECTION 3. The authority of the Minister to provide financial assistance to municipalities in respect of redevelopment is extended to include assistance with the cost of the studies required to select areas to be redeveloped. This will enable assistance for studies related to projects undertaken under the Federal Neighbourhood Improvement Program.

SECTION 4.—Subsection 1. The new subsection 1*a* clarifies that the subdivision and part lot control provisions, as provided in section 29, do not apply and never have applied, in the situation where land that is being conveyed abuts other land only on a horizontal plane; that is in the situation where mineral and surface rights are severed.

The new subsection 4*a* provides that the subdivision and part lot control provisions do not prohibit, and they are deemed never to have prohibited the giving back of a mortgage by a purchaser of land to the vendor where the mortgage covers all of the land that is being sold. This provision will relieve of the necessity of applying for a consent in the situation where mortgages are given back on the assembly of a number of parcels of separately-owned abutting lands.

An Act to amend The Planning Act

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Section 14 of *The Planning Act*, being chapter 349 of the Revised Statutes of Ontario, 1970, as amended by the Statutes of Ontario, 1973, chapter 168, section 4, is further amended by adding thereto the following subsection:

(3) Notwithstanding subsection 2, the Minister may approve any part of the plan and may from time to time approve additional parts of the plan and such part or parts together as approved from time to time is the official plan of the planning area, provided that nothing herein derogates from the right of any person to request the Minister to refer any part of the plan to the Municipal Board under section 15.
2. Subsection 1 of section 21 of the said Act is repealed and the following substituted therefor:

(1) If there is an official plan in effect in a municipality that includes provisions relating to the acquisition of land, which provisions have been approved by the Minister subsequent to the coming into force of this subsection, the council may, in accordance with such provisions, acquire and hold land within the municipality for the purpose of developing any feature of the official plan, provided that any land so acquired or held may be sold, leased or otherwise disposed of when no longer required.
3. Section 24 of the said Act is amended by adding at the end thereof "including the carrying out of studies for the purpose of selecting areas for redevelopment".
- 4.—(1) Section 29 of the said Act, as amended by the Statutes of Ontario, 1971, chapter 2, section 1, 1972, chapter 118, section 3 and 1973, chapter 168, section 6, is further amended by adding thereto the following subsections:

s. 14,
amended

Approval
by Minister
of parts
of plan

s. 21 (1),
re-enacted

Acquisition
of lands in
accordance
with
provisions
of official
plan

s. 24,
amended

s. 29,
amended

Proviso

(1a) For the purposes of this section, land shall be deemed and shall always have been deemed not to abut land that is being conveyed or otherwise dealt with if it abuts such land on a horizontal plane only.

Exception

(4a) Nothing in subsections 2 and 4 prohibits, and subsections 2 and 4 shall be deemed never to have prohibited, the giving back of a mortgage or charge by a purchaser of land to the vendor of the land as part or all of the consideration for the conveyance of the land provided that the mortgage or charge applies to all of the land described in the conveyance.

s. 29 (5c),
re-enacted

(2) Subsection 5c of the said section 29, as enacted by the Statutes of Ontario, 1973, chapter 168, section 6, is repealed and the following substituted therefor:

Saving

(5c) Subsection 5b does not apply to a partial discharge of mortgage or partial cessation of charge where the land described in the partial discharge or partial cessation,

(a) is the same land in respect of which a consent to convey has previously been given; or

(b) includes only the whole of one or more lots or blocks within a registered plan of subdivision, unless such plan of subdivision has been designated under subsection 3; or

(c) is owned by Her Majesty in right of Canada or Her Majesty in right of Ontario or by any municipality, metropolitan municipality, regional municipality, district municipality or county.

s. 33 (5) (d),
re-enacted

5.—(1) Clause *d* of subsection 5 of section 33 of the said Act is repealed and the following substituted therefor:

(d) that the owner of the land enter into one or more agreements with the municipality, or, where the land is not in a municipality, with the Minister, dealing with such matters as the Minister may consider necessary, including the provision of municipal services.

s. 33 (6),
re-enacted

(2) Subsection 6 of the said section 33, as amended by the Statutes of Ontario, 1973, chapter 168, section 9, is repealed and the following substituted therefor:

Subsection 2. Subsection 5c is re-enacted to relieve of the necessity of securing a consent to a partial discharge of mortgage where a consent has previously been given to the conveyance of the same land and also where the land described in the partial discharge is owned by the Crown or any type of municipality.

SECTION 5. Subsections 5 and 6 of section 33 are amended to provide authority for the Minister to enter into and enforce subdivision agreements where land that is not within the limits of any municipality is being subdivided.

SECTION 6. The section added empowers a municipality that has enacted a by-law prescribing standards of maintenance and occupancy of property to designate, by by-law, areas of demolition control within the municipality. The effect of such designation is that within the area no residential property, as defined in the section, may be demolished without a permit issued by the council of the municipality. An appeal is provided to the Municipal Board from the refusal of council to issue a permit. The council may not refuse a demolition permit in the circumstances where a building permit has been obtained to erect a new building on the site of the property proposed to be demolished but in such case the permit to demolish may be issued on the condition that the new building be erected within such time as the permit specifies, failing which the owner of the property is liable to a monetary penalty. Provisions are included for appealing against the conditions to be imposed and for seeking relief under circumstances where it is made to appear it is not possible or not feasible to comply with them. The demolition of residential property in an area of demolition control without having obtained a permit is made an offence carrying a fine of up to \$20,000 or imprisonment for a term of up to six months or both a fine and imprisonment.

(6) Every municipality and the Minister may enter into agreements imposed as a condition to the approval of a plan of subdivision and any such agreement may be registered against the land to which it applies and the municipality or the Minister, as the case may be, shall be entitled to enforce the provisions thereof against the owner and, subject to the provisions of *The Registry Act* and *The Land Titles Act*, any and all subsequent owners of the land.

Subdivision
agreements

R.S.O. 1970,
cc. 409, 234

6. The said Act is amended by adding thereto the following section:

37a.—(1) In this section,

Interpreta-
tion

- (a) "dwelling unit" means any property that is used or designed for use as a domestic establishment in which one or more persons may sleep and prepare and serve meals;
- (b) "residential property" means a building that contains one or more dwelling units, but does not include subordinate or accessory buildings the use of which is incidental to the use of the main building.

(2) When a by-law under section 36 or a predecessor thereof is in force in a municipality or when a by-law prescribing standards for the maintenance and occupancy of property under any special Act is in force in a municipality, the council of the municipality may by by-law designate any area within the municipality to which the standards of maintenance and occupancy by-law applies as an area of demolition control and thereafter no person shall demolish the whole or any part of any residential property in the area of demolition control unless he is the holder of a demolition permit issued by the council under this section.

Demolition
control areas
may be
established
by by-law

(3) Subject to subsection 6, where application is made to the council for a permit to demolish residential property, the council may issue the permit or refuse to issue the permit.

Council may
issue or
refuse to
issue permit

(4) Where the council refuses to issue the permit or neglects to make a decision thereon within one month after the receipt by the clerk of the municipality of the application, the applicant may appeal to the Municipal Board and the Municipal Board shall hear the appeal and either dismiss the same or direct that the demolition permit be issued, and the decision of the Board shall be final.

Appeal to
O.M.B.

Notice of
appeal

(5) The person appealing to the Municipal Board under subsection 4 shall, in such manner and to such persons as the Municipal Board may direct, give notice of the appeal to the Board.

Application
for demolition
permit where
building
permit has
been issued

(6) Subject to subsection 7, the council shall on application therefor, issue a demolition permit where a building permit has been issued to erect a new building on the site of the residential property sought to be demolished.

Conditions
of demolition
permit

(7) A demolition permit under subsection 6 may be issued on the condition that the applicant for the permit construct and substantially complete the new building to be erected on the site of the residential property proposed to be demolished by not later than such date as the permit specifies, such date being not less than two years from the day demolition of the existing residential property is commenced, and on the condition that on the failure to complete the new building within the time specified in the permit, the clerk of the municipality shall be entitled to enter on the collector's roll, to be collected in like manner as municipal taxes, such sum of money as the permit specifies, but not in any case to exceed the sum of \$20,000 for each dwelling unit contained in the residential property in respect of which the demolition permit is issued and such sum shall, until payment thereof, be a lien or charge upon the land in respect of which the permit to demolish the residential property is issued.

Registra-
tion of
certificate

(8) Where the clerk of the municipality adds a sum of money to the collector's roll under subsection 7, a certificate signed by the clerk setting out the amount of the sum added to the roll, together with a description of the land in respect of which the sum has been added to the roll, sufficient for registration, shall be registered in the proper land registry office against the land, and upon repayment in full to the municipality of the sum added to the roll, a certificate signed by the clerk of the municipality showing such payment shall be similarly registered, and thereupon the lien or charge upon the land in respect of which the sum was added to the roll is discharged.

Appeal to
O.M.B.

(9) Where an applicant for a demolition permit under subsection 6 is not satisfied as to the conditions on which the demolition permit is proposed to be issued, he may appeal to the Municipal Board for a variation of the conditions and, where an appeal is brought, the Board shall hear the appeal and may dismiss the same or may direct that the conditions upon which the permit shall be issued be varied in such manner as the Board considers appropriate, and the decision of the Board shall be final.

(10) Where any person who has obtained a demolition permit under subsection 6 that is subject to conditions under subsection 7 considers that it is not possible to complete the new building within the time specified in the permit or where he is of the opinion that the construction of the new building has become not feasible on economic or other grounds, he may apply to the council of the municipality for relief from conditions of demolition permit by sending notice of application by registered mail to the clerk of the municipality not less than sixty days before the time specified in the permit for the completion of the new building and where the council under subsection 11 extends the time for completion of the new building, application may similarly be made for relief by sending notice of application not less than sixty days before the expiry of the extended completion time.

(11) Where an application is made under subsection 10, the council shall consider the application and may grant the same or may extend the time for completion of the new building for such period of time and on such terms and conditions as the council considers appropriate or the council may relieve the person applying from the requirement of constructing the new building.

(12) Any person who has made application to the council under subsection 10, may appeal from the decision of the council to the Municipal Board within fourteen days of the mailing of the notice of the decision, or where the council refuses or neglects to make a decision thereon within one month after the receipt by the clerk of the application, the applicant may appeal to the Board and the Municipal Board shall hear the appeal and the Board on the appeal has the same powers as the council has under subsection 11 and the decision of the Board shall be final.

(13) Every person who demolishes a residential property, or any portion thereof, in contravention of subsection 2 is guilty of an offence and on summary conviction is liable to a fine of not more than \$20,000 for each dwelling unit contained in the residential property the whole or any portion of which has been demolished or to imprisonment for a term of not more than six months, or to both.

(14) The provisions of any general or special Act and any by-law passed thereunder respecting standards relating to the health or safety of the occupants of buildings and structures remain in full force and effect in respect of residential property situate within an area of demolition control.

Certain
proceedings
stayed

(15) Subject to subsection 14, an application to the council for a permit to demolish any residential property operates as a stay to any proceedings that may have been initiated under any by-law under section 36 or a predecessor thereof or under any special Act respecting maintenance or occupancy standards in respect of the residential property sought to be demolished, until the council disposes of the application, or where an appeal is taken under subsection 4, until the Municipal Board has heard the appeal and issued its order thereon.

Application
of s. 38 (1),
par. 8

(16) Where a permit to demolish residential property is obtained under this section, it is not necessary for the holder thereof to obtain the permit mentioned in paragraph 7 of subsection 1 of section 38, but the holder of the permit shall comply with the provisions of any by-law passed under that paragraph regulating the removal or wrecking of buildings and structures.

s. 44a,
re-enacted

7. Section 44a of the said Act, as enacted by the Statutes of Ontario, 1972, chapter 118, section 11, is repealed and the following substituted therefor:

Resumption
by Minister
of matter
referred to
O.M.B.

44a. When under this Act the Minister has referred a matter to the Municipal Board the matter may be taken back from the Board by the Minister at any time prior to a decision in respect thereof having been made by the Board, provided however that where a matter has been referred to the Board pursuant to the request of any person the matter shall not be taken back from the Board by the Minister except on the further request of such person and with the concurrence of all other persons, if any, who had requested that the matter be referred to the Board.

s. 44b (1, 2),
re-enacted

8. Subsections 1 and 2 of section 44b of the said Act, as enacted by the Statutes of Ontario, 1973, chapter 168, section 13, are repealed and the following substituted therefor:

Interpre-
tation

(1) Notwithstanding clauses *a* and *g* of section 1, "council" for the purposes of this section and sections 44c and 44d means,

- (a) the council of a city, town, village, township or county that has been designated by order of the Treasurer as a municipality to which may be delegated any of the Minister's authority under this Act; and
- (b) the council of a metropolitan, regional or district municipality.

SECTION 7. The section is re-enacted to authorize the Minister to take back from the Municipal Board any matter that he has referred to the Board on his own initiative. As presently worded, the section authorizes a matter to be taken back only in the situation where the Minister has been requested to refer the matter to the Board and such person has requested the Minister to take the matter back.

SECTION 8. Subsections 1 and 2 are re-enacted to clarify the authority for delegation to a municipal council of any of the Minister's authority under the Act.

(2) The Minister on the request of a council may by order delegate to the council any of the Minister's authority under this Act and where the Minister has delegated any such authority, the council has, in lieu of the Minister, all the powers and rights of the Minister in respect thereof and the council shall be responsible for all matters pertaining thereto, including, without limiting the generality of the foregoing, the referral of any matter to the Municipal Board.

9.—(1) This Act, except subsection 2 of section 4, comes into force on the day it receives Royal Assent.

(2) Subsection 2 of section 4 shall be deemed to have come into force on the 17th day of December, 1973.

10. This Act may be cited as *The Planning Amendment Act*, 1974.

An Act to amend
The Planning Act

1st Reading

June 13th, 1974

2nd Reading

June 27th, 1974

3rd Reading

THE HON. J. WHITE
Treasurer of Ontario and
Minister of Economics and
Intergovernmental Affairs

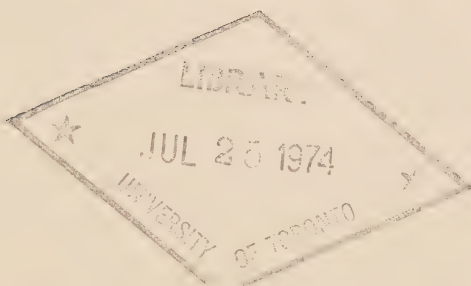
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BILL 88

4TH SESSION, 29TH LEGISLATURE, ONTARIO
23 ELIZABETH II, 1974

An Act to amend The Planning Act

THE HON. J. WHITE
Treasurer of Ontario and Minister of Economics
and Intergovernmental Affairs



TORONTO

PRINTED BY J. C. THATCHER, QUEEN'S PRINTER FOR ONTARIO

An Act to amend The Planning Act

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Section 14 of *The Planning Act*, being chapter 349 of the Revised Statutes of Ontario, 1970, as amended by the Statutes of Ontario, 1973, chapter 168, section 4, is further amended by adding thereto the following subsection:

(3) Notwithstanding subsection 2, the Minister may approve any part of the plan and may from time to time approve additional parts of the plan and such part or parts together as approved from time to time is the official plan of the planning area, provided that nothing herein derogates from the right of any person to request the Minister to refer any part of the plan to the Municipal Board under section 15.
2. Subsection 1 of section 21 of the said Act is repealed and the following substituted therefor:

(1) If there is an official plan in effect in a municipality that includes provisions relating to the acquisition of land, which provisions have been approved by the Minister subsequent to the coming into force of this subsection, the council may, in accordance with such provisions, acquire and hold land within the municipality for the purpose of developing any feature of the official plan, provided that any land so acquired or held may be sold, leased or otherwise disposed of when no longer required.
3. Section 24 of the said Act is amended by adding at the end thereof "including the carrying out of studies for the purpose of selecting areas for redevelopment".
- 4.—(1) Section 29 of the said Act, as amended by the Statutes of Ontario, 1971, chapter 2, section 1, 1972, chapter 118, section 3 and 1973, chapter 168, section 6, is further amended by adding thereto the following subsections:

Proviso

(1a) For the purposes of this section, land shall be deemed and shall always have been deemed not to abut land that is being conveyed or otherwise dealt with if it abuts such land on a horizontal plane only.

Exception

(4a) Nothing in subsections 2 and 4 prohibits, and subsections 2 and 4 shall be deemed never to have prohibited, the giving back of a mortgage or charge by a purchaser of land to the vendor of the land as part or all of the consideration for the conveyance of the land provided that the mortgage or charge applies to all of the land described in the conveyance.

s. 29 (5c),
re-enacted

(2) Subsection 5c of the said section 29, as enacted by the Statutes of Ontario, 1973, chapter 168, section 6, is repealed and the following substituted therefor:

Saving

(5c) Subsection 5b does not apply to a partial discharge of mortgage or partial cessation of charge where the land described in the partial discharge or partial cessation,

(a) is the same land in respect of which a consent to convey has previously been given; or

(b) includes only the whole of one or more lots or blocks within a registered plan of subdivision, unless such plan of subdivision has been designated under subsection 3; or

(c) is owned by Her Majesty in right of Canada or Her Majesty in right of Ontario or by any municipality, metropolitan municipality, regional municipality, district municipality or county.

s. 33 (5) (d),
re-enacted

5.—(1) Clause *d* of subsection 5 of section 33 of the said Act is repealed and the following substituted therefor:

(d) that the owner of the land enter into one or more agreements with the municipality, or, where the land is not in a municipality, with the Minister, dealing with such matters as the Minister may consider necessary, including the provision of municipal services.

s. 33 (6),
re-enacted

(2) Subsection 6 of the said section 33, as amended by the Statutes of Ontario, 1973, chapter 168, section 9, is repealed and the following substituted therefor:

(6) Every municipality and the Minister may enter into agreements imposed as a condition to the approval of a plan of subdivision and any such agreement may be registered against the land to which it applies and the municipality or the Minister, as the case may be, shall be entitled to enforce the provisions thereof against the owner and, subject to the provisions of *The Registry Act* and *The Land Titles Act*, any and all subsequent owners of the land.

Subdivision
agreements

R.S.O. 1970,
cc. 409, 234

6. The said Act is amended by adding thereto the following section:

s. 37a,
enacted

37a.—(1) In this section,

Interpreta-
tion

- (a) “dwelling unit” means any property that is used or designed for use as a domestic establishment in which one or more persons may sleep and prepare and serve meals;
- (b) “residential property” means a building that contains one or more dwelling units, but does not include subordinate or accessory buildings the use of which is incidental to the use of the main building.

(2) When a by-law under section 36 or a predecessor thereof is in force in a municipality or when a by-law prescribing standards for the maintenance and occupancy of property under any special Act is in force in a municipality, the council of the municipality may by by-law designate any area within the municipality to which the standards of maintenance and occupancy by-law applies as an area of demolition control and thereafter no person shall demolish the whole or any part of any residential property in the area of demolition control unless he is the holder of a demolition permit issued by the council under this section.

Demolition
control areas
may be
established
by by-law

(3) Subject to subsection 6, where application is made to the council for a permit to demolish residential property, the council may issue the permit or refuse to issue the permit.

Council may
issue or
refuse to
issue permit

(4) Where the council refuses to issue the permit or neglects to make a decision thereon within one month after the receipt by the clerk of the municipality of the application, the applicant may appeal to the Municipal Board and the Municipal Board shall hear the appeal and either dismiss the same or direct that the demolition permit be issued, and the decision of the Board shall be final.

Appeal to
O.M.B.

Notice of
appeal

(5) The person appealing to the Municipal Board under subsection 4 shall, in such manner and to such persons as the Municipal Board may direct, give notice of the appeal to the Board.

Application
for demolition
permit where
building
permit has
been issued

(6) Subject to subsection 7, the council shall on application therefor, issue a demolition permit where a building permit has been issued to erect a new building on the site of the residential property sought to be demolished.

Conditions
of demolition
permit

(7) A demolition permit under subsection 6 may be issued on the condition that the applicant for the permit construct and substantially complete the new building to be erected on the site of the residential property proposed to be demolished by not later than such date as the permit specifies, such date being not less than two years from the day demolition of the existing residential property is commenced, and on the condition that on the failure to complete the new building within the time specified in the permit, the clerk of the municipality shall be entitled to enter on the collector's roll, to be collected in like manner as municipal taxes, such sum of money as the permit specifies, but not in any case to exceed the sum of \$20,000 for each dwelling unit contained in the residential property in respect of which the demolition permit is issued and such sum shall, until payment thereof, be a lien or charge upon the land in respect of which the permit to demolish the residential property is issued.

Registra-
tion of
certificate

(8) Where the clerk of the municipality adds a sum of money to the collector's roll under subsection 7, a certificate signed by the clerk setting out the amount of the sum added to the roll, together with a description of the land in respect of which the sum has been added to the roll, sufficient for registration, shall be registered in the proper land registry office against the land, and upon repayment in full to the municipality of the sum added to the roll, a certificate signed by the clerk of the municipality showing such payment shall be similarly registered, and thereupon the lien or charge upon the land in respect of which the sum was added to the roll is discharged.

Appeal to
O.M.B.

(9) Where an applicant for a demolition permit under subsection 6 is not satisfied as to the conditions on which the demolition permit is proposed to be issued, he may appeal to the Municipal Board for a variation of the conditions and, where an appeal is brought, the Board shall hear the appeal and may dismiss the same or may direct that the conditions upon which the permit shall be issued be varied in such manner as the Board considers appropriate, and the decision of the Board shall be final.

(10) Where any person who has obtained a demolition permit under subsection 6 that is subject to conditions under subsection 7 considers that it is not possible to complete the new building within the time specified in the permit or where he is of the opinion that the construction of the new building has become not feasible on economic or other grounds, he may apply to the council of the municipality for relief from the conditions on which the permit was issued, by sending notice of application by registered mail to the clerk of the municipality not less than sixty days before the time specified in the permit for the completion of the new building and where the council under subsection 11 extends the time for completion of the new building, application may similarly be made for relief by sending notice of application not less than sixty days before the expiry of the extended completion time.

Application to council for relief from conditions of demolition permit

(11) Where an application is made under subsection 10, the council shall consider the application and may grant the same or may extend the time for completion of the new building for such period of time and on such terms and conditions as the council considers appropriate or the council may relieve the person applying from the requirement of constructing the new building.

Powers of council on application

(12) Any person who has made application to the council under subsection 10, may appeal from the decision of the council to the Municipal Board within fourteen days of the mailing of the notice of the decision, or where the council refuses or neglects to make a decision thereon within one month after the receipt by the clerk of the application, the applicant may appeal to the Board and the Municipal Board shall hear the appeal and the Board on the appeal has the same powers as the council has under subsection 11 and the decision of the Board shall be final.

Appeal to O.M.B.

(13) Every person who demolishes a residential property, or any portion thereof, in contravention of subsection 2 is guilty of an offence and on summary conviction is liable to a fine of not more than \$20,000 for each dwelling unit contained in the residential property the whole or any portion of which has been demolished or to imprisonment for a term of not more than six months, or to both.

Offence

(14) The provisions of any general or special Act and any by-law passed thereunder respecting standards relating to the health or safety of the occupants of buildings and structures remain in full force and effect in respect of residential property situate within an area of demolition control.

Standards for health and safety remain in force

Certain
proceedings
stayed

(15) Subject to subsection 14, an application to the council for a permit to demolish any residential property operates as a stay to any proceedings that may have been initiated under any by-law under section 36 or a predecessor thereof or under any special Act respecting maintenance or occupancy standards in respect of the residential property sought to be demolished, until the council disposes of the application, or where an appeal is taken under subsection 4, until the Municipal Board has heard the appeal and issued its order thereon.

Application
of s. 38 (1),
par. 8

(16) Where a permit to demolish residential property is obtained under this section, it is not necessary for the holder thereof to obtain the permit mentioned in paragraph 7 of subsection 1 of section 38, but the holder of the permit shall comply with the provisions of any by-law passed under that paragraph regulating the removal or wrecking of buildings and structures.

s. 44a,
re-enacted

7. Section 44a of the said Act, as enacted by the Statutes of Ontario, 1972, chapter 118, section 11, is repealed and the following substituted therefor:

Resumption
by Minister
of matter
referred to
O.M.B.

44a. When under this Act the Minister has referred a matter to the Municipal Board the matter may be taken back from the Board by the Minister at any time prior to a decision in respect thereof having been made by the Board, provided however that where a matter has been referred to the Board pursuant to the request of any person the matter shall not be taken back from the Board by the Minister except on the further request of such person and with the concurrence of all other persons, if any, who had requested that the matter be referred to the Board.

s. 44b (1, 2),
re-enacted

8. Subsections 1 and 2 of section 44b of the said Act, as enacted by the Statutes of Ontario, 1973, chapter 168, section 13, are repealed and the following substituted therefor:

Interpre-
tation

(1) Notwithstanding clauses *a* and *g* of section 1, "council" for the purposes of this section and sections 44c and 44d means,

- (a) the council of a city, town, village, township or county that has been designated by order of the Treasurer as a municipality to which may be delegated any of the Minister's authority under this Act; and
- (b) the council of a metropolitan, regional or district municipality.

(2) The Minister on the request of a council may by ^{Delegation of Minister's powers} order delegate to the council any of the Minister's authority under this Act and where the Minister has delegated any such authority, the council has, in lieu of the Minister, all the powers and rights of the Minister in respect thereof and the council shall be responsible for all matters pertaining thereto, including, without limiting the generality of the foregoing, the referral of any matter to the Municipal Board.

9.—(1) This Act, except subsection 2 of section 4, comes into ^{Commence-} force on the day it receives Royal Assent.

(2) Subsection 2 of section 4 shall be deemed to have ^{Idem} come into force on the 17th day of December, 1973.

10. This Act may be cited as *The Planning Amendment Act*, ^{Short title} 1974.

An Act to amend
The Planning Act

1st Reading

June 13th, 1974

2nd Reading

June 27th, 1974

3rd Reading

June 28th, 1974

THE HON. J. WHITE
Treasurer of Ontario and
Minister of Economics and
Intergovernmental Affairs

CA20N

BILL 89

Government Bill

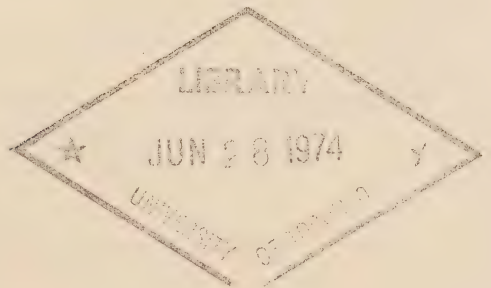
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4TH SESSION, 29TH LEGISLATURE, ONTARIO
23 ELIZABETH II, 1974

**An Act to amend The Municipality of
Metropolitan Toronto Act**

THE HON. J. WHITE
Treasurer of Ontario and Minister of Economics
and Intergovernmental Affairs



TORONTO

PRINTED BY J. C. THATCHER, QUEEN'S PRINTER FOR ONTARIO

EXPLANATORY NOTES

SECTION 1. The section as re-enacted increases the number of members on the Metropolitan Council from 32 to 37. The City of Toronto and the boroughs of York and East York retain their existing entitlement of 12, 3 and 2 members respectively, while that of Etobicoke is increased from 4 to 5, of Scarborough from 5 to 6 and of North York from 6 to 9. A provision is added that resignation from either the Metropolitan Council or the council of an area municipality shall be deemed to be a resignation from both councils.

An Act to amend The Municipality of Metropolitan Toronto Act

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Section 5 of *The Municipality of Metropolitan Toronto Act*, s. 5, being chapter 295 of the Revised Statutes of Ontario, 1970, as amended by the Statutes of Ontario, 1972, chapter 168, section 2, is repealed and the following substituted therefor:

5.—(1) On and after the 1st day of January, 1975, the area municipalities are entitled to the following membership on the Metropolitan Council:

the Borough of East York	— 2 members
the Borough of Etobicoke	— 5 members
the Borough of North York	— 9 members
the Borough of Scarborough	— 6 members
the City of Toronto	— 12 members
the Borough of York	— 3 members

(2) In accordance with the membership to which an area municipality is entitled under subsection 1, the Metropolitan Council shall include the mayor of each area municipality and, subject to subsection 3,

(a) where an area municipality has a board of control,

(i) the controllers, or

(ii) if the number of members, exclusive of the mayor, to which the area municipality is entitled is less than the number of controllers,

the number of controllers equal to the number necessary to complete the membership to which the area municipality is entitled who, at the municipal election next preceding the day the new Metropolitan Council is organized in any year, received the greatest number of votes, the next greatest, and so on, as the case requires, or

(iii) if the area municipality is entitled to a greater number of members than the mayor and the other members of the board of control, the controllers and such number of aldermen appointed by the council of the area municipality as is necessary to complete the membership to which the area municipality is entitled; or

(b) where the area municipality does not have a board of control, such number of aldermen appointed by the council of the area municipality as is necessary to complete the membership on the Metropolitan Council to which the area municipality is entitled.

Where wards
equal to
number of
aldermen
to be
appointed

(3) Where the number of wards in an area municipality is equal to the number of aldermen to be appointed by the council of such area municipality,

(a) the alderman for each ward; or

(b) if there is more than one alderman for each ward, the alderman for each ward who, at the municipal election next preceding the day the new Metropolitan Council is organized in any year, received the greatest number of votes in such ward,

shall be members of the Metropolitan Council in lieu of the aldermen to be appointed.

Acclamation
or equality
of votes

(4) If, after any election in an area municipality, by reason of acclamation or an equality of votes, it cannot be determined which controller, or controllers, or alderman, or aldermen, is, or are, entitled to be a member, or members, of the Metropolitan Council, the matter shall be determined by resolution of the council of the area municipality passed before the organization meeting of the Metropolitan Council.

Election of
chairman

(5) At the first meeting of the Metropolitan Council in each year after an election at which a quorum is present, the Metropolitan Council shall organize as a council and

SECTION 2. The section as re-enacted, increases the number of members on the Executive Committee of the Metropolitan Council from 11 to 14. The chairman and the mayor of each area municipality will continue to sit on the Committee but only three members of the City of Toronto executive committee will hold seats rather than the full number of four. Added as members will be two controllers from North York and one controller each from Scarborough and Etobicoke. Provisions are added to fix the quorum as six members and to govern the filling of vacancies under certain circumstances.

elect as chairman one of the members of the Metropolitan Council, or any other person, to hold office for that year and the following year and until his successor is elected or appointed in accordance with this section.

(6) The clerk of the Metropolitan Corporation shall preside ^{Clerk to} at each such first meeting or, if there is no clerk, the mem- ^{preside}bers present shall select a member to preside, and the person so selected may vote as a member.

(7) If, at such first meeting for any reason a chairman is ^{Adjournment} not elected, the clerk or presiding member may adjourn the meeting from time to time and, if a chairman is not elected within one week after such first meeting, the Lieutenant Governor in Council shall appoint the chairman to hold office for that year and the following year and until his successor is elected or appointed in accordance with this section.

(8) The Metropolitan Council shall be composed of the ^{Composition} chairman and the persons who are members pursuant to this Part.

(9) A resignation from the Metropolitan Council or the ^{Resignation} council of an area municipality by a person who is a member of both councils shall be deemed to be a resignation from both the Metropolitan Council and the council of the area municipality.

2. Section 12 of the said Act is repealed and the following sub- ^{s. 12,} ^{re-enacted} stituted therefor:

12.—(1) There shall be an Executive Committee of the ^{Executive} Metropolitan Council composed of, ^{Committee}

- (a) the chairman;
- (b) the mayor of each area municipality;
- (c) the member of the board of control of the Borough of Etobicoke who, at the municipal election next preceding the day the new Metropolitan Council is organized in any year, received the greatest number of votes;
- (d) the two members of the board of control of the Borough of North York who, at the municipal election next preceding the day the new Metropolitan Council is organized in any year, received the greatest number of votes;

(e) the member of the board of control of the Borough of Scarborough who, at the municipal election next preceding the day the new Metropolitan Council is organized in any year, received the greatest number of votes; and

(f) three alderman members of the Executive Committee of the City of Toronto who are members of the Metropolitan Council appointed by the council of the City of Toronto.

Chairman

(2) The chairman of the Metropolitan Council shall be the chairman of the Executive Committee and entitled to vote as a member thereof.

Quorum

(3) Six members of the Executive Committee constitute a quorum.

Powers

R.S.O. 1970
c. 284

(4) The Executive Committee has all the powers and duties of a board of control under subsections 1 and 2 of section 208 of *The Municipal Act*, and subsections 3 to 16 and 18 and 19 of that section apply *mutatis mutandis*.

Remunera-
tion of
members

(5) Each member of the Executive Committee other than the chairman shall, in addition to his remuneration as a member of the Metropolitan Council, receive such remuneration as may be authorized by the Metropolitan Council.

Certificate
of
qualification

(6) An alderman entitled to be a member of the Executive Committee under subsection 1 shall not take his seat on the Executive Committee until he has filed with the person presiding at the first meeting a certificate under the hand of the clerk of the City of Toronto certifying that he is a member of the executive committee of the City of Toronto appointed by the council of the city as a member of the Executive Committee.

Vacancy

(7) Where a seat on the Executive Committee becomes vacant by the death or resignation of a member who was a Borough controller, the vacancy shall be filled by the controller from the same Borough who received the next greatest number of votes.

s. 16,
enacted

3. The said Act is amended by adding thereto the following section:

Chief
administra-
tive officer

16.—(1) The Metropolitan Council may by by-law appoint a chief administrative officer, who,

(a) shall have such general control and management of the administration of the government and affairs

SECTION 3. The section added permitting the Metropolitan Council to appoint a chief administrative officer is in similar terms to that found in most of the Acts establishing regional municipalities.

SECTION 4.—Subsection 1. The effect of the amendment is to delete the requirement that the Minister's approval be obtained to by-laws establishing or amending the Metropolitan Toronto pension plan for its employees.

Subsection 2. The subsection added will permit certain retired employees of the Metropolitan Corporation to elect to receive benefits under the Metroplitan pension plan in lieu of the pension to which they are entitled under the plan of an area municipality or local board by whom they were employed prior to becoming employees of Metropolitan Toronto.

of the Metropolitan Corporation and perform such duties as the Metropolitan Council by by-law prescribes;

- (b) shall be responsible for the efficient administration of all its departments to the extent that he is given authority and control over them by by-law;
- (c) shall hold office during the pleasure of the Metropolitan Council; and
- (d) shall receive such salary as the Metropolitan Council by by-law determines.

(2) Subsection 2 of section 238 of *The Municipal Act* ^{Application of R.S.O. 1970, c. 284} applies to a chief administrative officer appointed under subsection 1 of this section.

4.—(1) Clause *b* of subsection 2 of section 24 of the said Act ^{s. 24 (2) (b), amended} is amended by striking out “and no such by-law shall become operative until approved by the Minister” in the fifth, sixth and seventh lines.

(2) The said section 24, as amended by the Statutes of ^{s. 24 amended} Ontario, 1971, chapter 80, section 1, is further amended by adding thereto the following subsection:

(9a) Notwithstanding this or any other general or special ^{Election by retired employee to transfer to Metropolitan pension plan} Act, where a retired employee of the Metropolitan Corporation or of a local board thereof,

- (a) was an employee of an area municipality or of a local board thereof and without intervening employment became an employee of the Metropolitan Corporation or of a local board thereof;
- (b) became a member of the pension plan of the Metropolitan Corporation;
- (c) retired on or after the 1st day of January, 1970;
- (d) received or is entitled to receive a pension from or under a pension plan of an area municipality or local board thereof; and
- (e) was entitled to elect a transfer of a sum of money under subsection 8 prior to his retirement and did not so elect,

such retired employee may, with the approval of the Metropolitan Corporation and the area municipality or local board

thereof, in lieu of the pension referred to in clause *d*, elect not later than the 31st day of December, 1974, a transfer of a sum of money to the pension plan of the Metropolitan Corporation from the pension plan of the area municipality or local board thereof, equal to the present value, calculated as of the date of the transfer of such sum of money on the basis of generally accepted actuarial methods, of the pension, including all benefits pertaining thereto to which such retired employee is entitled under the pension plan of the area municipality or of a local board thereof and where such retired employee has died the person receiving a pension in respect of the retired employee shall be deemed to be the retired employee for the purposes of this subsection.

s. 35a,
enacted

5. The said Act is further amended by adding thereto the following section:

Surcharge
on water
rates

35a.—(1) Notwithstanding section 35, the Metropolitan Council may add a surcharge of such percentage as it may determine to the water rates fixed under that section and the proceeds of such surcharge shall be deemed not to be revenue of the waterworks system under section 38 and shall be applied or expended for the purpose of collecting or receiving from the area municipalities, or any of them, sewage and land drainage and the treatment or disposal thereof.

Applica-
tion of
s. 49

- (2) The provisions of section 49 apply to this section.

s. 96,
re-enacted

6. Section 96 of the said Act, as amended by the Statutes of Ontario, 1973, chapter 171, section 2, is repealed and the following substituted therefor:

Stopping-up
highways

96.—(1) Where an area municipality intends to stop up a highway or part of a highway, it shall so notify the clerk of the Metropolitan Corporation by registered mail.

Agreement

(2) If the Metropolitan Council objects to such stopping-up, it shall so notify the council of the area municipality by registered mail within twenty-one days of the receipt of the notice under subsection 1 and the highway or part thereof concerned shall not be stopped-up except by agreement between the area municipality and the Metropolitan Council and failing agreement the Municipal Board, upon application, may determine the matter and its decision is final.

Approval
of judge not
required
R.S.O. 1970,
c. 284

(3) In the case of a township in the Metropolitan Area, it is not necessary to obtain the approval of the judge of the county court to such stopping up under section 443 of *The Municipal Act*.

SECTION 5. The section added empowers the Metropolitan Council to add a surcharge to the rates at which water is supplied to the area municipalities, the proceeds of which are to be expended for the purpose of collecting and disposing of sewage and land drainage.

SECTION 6. The re-enactment is complementary to section 11 of the Bill dissolving the planning board for The Metropolitan Toronto Planning Area; the functions of the planning board relating to the stopping-up of highways by an area municipality are transferred to the Metropolitan Council.

SECTION 7. The section added empowers the Treasurer of Ontario, on the request of the council of any of the five Boroughs, to erect the municipality from a township into a city.

SECTION 8. The effect of the amendments is to delete the requirement that the Minister's approval be obtained to the pension plan provided for members of the Metropolitan Police Force.

SECTION 9. The amendment corrects an error in an internal reference.

SECTION 10. The section added empowers the Metropolitan Council and the council of any area municipality to adopt a housing policy statement with the approval of the Minister of Housing. The policy statement of an area municipality may not conflict with that of Metropolitan Toronto and by-laws that do not conform with an approved housing policy statement may not be passed.

7. The said Act is further amended by adding thereto the following ^{s. 148a, enacted} section:

148a.—(1) Notwithstanding section 148, upon the application of the council of an area municipality that has the status of a township municipality, the Treasurer of Ontario and Minister of Economics and Intergovernmental Affairs may, by order, erect the area municipality into a city municipality and may direct the name the newly erected municipality shall bear and the date when the erection shall take effect and may provide for any matters that he considers necessary for the establishment and carrying on of the newly erected municipality, including the composition of its council.

(2) Where an order is made under subsection 1, sections 17, 19 and 22 of *The Municipal Act* apply, *mutatis mutandis*, and the provisions of any special Act relating to the former township municipality apply to the newly erected municipality. ^{Application of R.S.O. 1970, c. 284, ss. 17, 19, 22}

- 8.—(1) Subsection 1 of section 183 of the said Act is amended ^{s. 183 (1), amended} by striking out “such” in the second line and inserting in lieu thereof “a” and by striking out “as the Minister may approve” in the fourth and fifth lines.

(2) Subsection 6 of the said section 183 is amended ^{s. 183 (6), amended} by striking out “Subject to the approval of the Minister” in the first line.

9. Subsection 1 of section 194 of the said Act is amended ^{s. 194 (1), amended} by striking out “subsection 2” in the fifth line and inserting in lieu thereof “subsection 3”.

10. The said Act is further amended by adding thereto the following ^{s. 198a, enacted} section:

198a.—(1) The Metropolitan Council and the council of any area municipality may, by by-law approved by the Minister of Housing, adopt a policy statement related to housing, containing specific objectives, production targets and financial arrangements. ^{Adoption of policy statement related to housing}

(2) Where a policy statement referred to in subsection 1 has been adopted by the Metropolitan Council and approved by the Minister of Housing, every housing policy statement that has been adopted by the council of an area municipality shall be amended forthwith to conform therewith and no housing policy statement of an area municipality shall thereafter be approved that does not conform with the housing policy statement of the Metropolitan Council and no ^{By-laws, etc., to conform with housing policy statement}

by-law shall be passed by the Metropolitan Council or by the council of an area municipality that does not conform with the housing policy statement of the Metropolitan Council.

ss. 199-201,
re-enacted
ss. 202, 203,
repealed

11. Sections 199, 200, 201, 202 and 203 of the said Act are repealed and the following substituted therefor:

Metropolitan
Toronto
Planning
Area
R.S.O. 1970,
c. 349

199.—(1) The Metropolitan Toronto Planning Area is continued as a joint planning area under *The Planning Act*.

Designated
municipality

(2) The Metropolitan Corporation is the designated municipality within the meaning of *The Planning Act* for the purposes of The Metropolitan Toronto Planning Area.

Planning
board
dissolved

(3) The planning board for The Metropolitan Toronto Planning Area is hereby dissolved.

Area municipi-
palities
subsidiary
planning
areas

(4) Subject to *The Planning Act*, each area municipality is a subsidiary planning area within The Metropolitan Toronto Planning Area.

Proviso

(5) Nothing in subsections 3 and 4 affects any official plan in effect in any part of the Metropolitan Area.

Subsidiary
plans

(6) When the Minister of Housing has approved an official plan adopted by the Metropolitan Council,

(a) every official plan and every by-law passed under section 35 of *The Planning Act* or a predecessor thereof then in effect in the planning area affected thereby shall be amended forthwith to conform therewith; and

(b) no official plan of a subsidiary planning area shall be adopted that does not conform therewith.

Planning
duties of
Metropolitan
Council

200.—(1) The Metropolitan Council shall investigate and survey the physical, social and economic conditions in relation to the development of The Metropolitan Toronto Planning Area and may perform such other duties of a planning nature as may be referred to it by any council having jurisdiction in The Metropolitan Toronto Planning Area, and without limiting the generality of the foregoing it shall,

(a) prepare maps, drawings, texts, statistical information and all other material necessary for the study, explanation and solution of problems or matters affecting the development of The Metropolitan Toronto Planning Area;

SECTION 11. The re-enacted sections dissolve the planning board for The Metropolitan Toronto Planning Area and vest its planning functions in the Metropolitan Council.

SECTION 12. The Board of Management of the O'Keefe Centre is composed of persons appointed by the Metropolitan Council. The amendment removes the present restriction that such persons be not members of the Metropolitan Council nor members of the council of an area municipality.

SECTION 13. The re-enactment of the section broadens the powers of the Metropolitan Corporation in respect of the investment of moneys not immediately required and extends these broadened powers to the area municipalities.

(b) hold public meetings and publish information for the purpose of obtaining the participation and co-operation of the inhabitants of The Metropolitan Toronto Planning Area in determining the solution of problems or matters affecting the development of The Metropolitan Toronto Planning Area; and

(c) consult with any local board having jurisdiction within The Metropolitan Toronto Planning Area.

(2) The Metropolitan Council shall prepare, adopt and forward to the Minister of Housing for approval an official plan for The Metropolitan Toronto Planning Area.

(3) The Metropolitan Council may appoint such planning committees and staff as it considers necessary.

(4) The Metropolitan Corporation shall be deemed to be a municipality and the Metropolitan Council a planning board for the purposes of section 1, subsections 4, 6 and 7 of section 2, sections 5, 13, 14, 15, 16, 17, 19, 20, 21, 22, 24, 25, 26, 27, 33, 43 and 44 of *The Planning Act*.

(5) The Metropolitan Corporation may enter into agreements with area municipalities or persons relating to conditions of approval of plans of subdivision and shall be deemed to have always had authority to enter into such agreements.

(6) The Metropolitan Corporation, with the approval of the Minister of Housing, may enter into agreements with any governmental authority, or any agency thereof created by statute for the carrying out of studies relating to The Metropolitan Toronto Planning Area or any part thereof.

201. Except as provided in this Part, the provisions of *The Planning Act* apply.

12. Subsection 4 of section 208 of the said Act is amended by striking out "are not members of the Metropolitan Council or of the council of an area municipality, and" in the second, third and fourth lines.

13. Section 212 of the said Act is repealed and the following substituted therefor:

212.—(1) For the purposes of this section, "municipality" includes a metropolitan, regional or district municipality.

(2) Where the Metropolitan Corporation or an area municipality has moneys not required immediately by the Metro-

politan Corporation or the area municipality, such moneys may be,

(a) invested in,

(i) bonds, debentures, or other evidences of indebtedness of or guaranteed by the Government of Canada, the Province of Ontario, or any other province of Canada,

(ii) debentures, notes or guaranteed investment certificates of or term deposits with any trust company or loan corporation that is registered under *The Loan and Trust Corporations Act*,

(iii) term deposits, deposit receipts, deposit notes, certificates of deposit, acceptances and other similar instruments issued, accepted or endorsed by any chartered bank to which the *Bank Act* (Canada) applies,

(iv) loans by way of promissory notes of the borrower to any municipality, or to any local board as defined in *The Municipal Affairs Act*; or

(b) advanced to the capital account of the Metropolitan Corporation or the area municipality for the purpose of interim financing of capital undertakings,

provided that the moneys invested or advanced are repayable by the day on which they are required by the Metropolitan Corporation or the area municipality, and the investments are in other respects reasonable and proper.

Pedestrian
promenades,
Yonge St.

14.—(1) The Metropolitan Council may pass by-laws for establishing any part or parts of Yonge Street in the City of Toronto between the south limit of Bloor Street and the north limit of King Street solely or principally as a pedestrian promenade for such period or periods between the 17th day of June and the 3rd day of September in the year 1974 as the Council may determine, and for prohibiting the use thereof by vehicles or any class thereof except to such extent and for such period or periods as may be specified and for permitting the use of the said part of Yonge Street and the obstruction thereof by such persons and in such manner and to such extent as the Metropolitan Council may consider desirable.

SECTION 14. Authority is granted to the Metropolitan Corporation and to the City of Toronto to establish a pedestrian mall or malls on Yonge Street and the other streets mentioned between the dates in the year 1974 that are set out. The authority is substantially the same as that granted in previous years with the exception that the power to pass by-laws to prohibit or regulate the distribution of literature, pamphlets and the like is not included.

- (2) The council of The Corporation of the City of Toronto may pass by-laws for establishing all of Trinity Square and the parts of those parts of those streets under the jurisdiction of the said council intersecting that part of Yonge Street between the south limit of Bloor Street and the north limit of King Street within 200 feet of Yonge Street solely or principally as pedestrian promenades for such period or periods between the 17th day of June and the 3rd day of September in the year 1974 as the council may determine, and for prohibiting the use thereof by vehicles or any class thereof except to such extent and for such period or periods as may be specified and for permitting the use and obstruction thereof by such persons and in such manner and to such extent as the said council may consider desirable. Idem. Trinity Square, etc.
- (3) The Corporation of the City of Toronto may contribute toward the cost of the establishment and maintenance of any pedestrian promenade established by the Metropolitan Council under the provisions of subsection 1. Contribution by City toward costs
- (4) Notwithstanding the provisions of any general or special Act, no person shall be entitled to recover any damages or compensation from the Metropolitan Corporation or The Corporation of the City of Toronto for loss of business or for loss of access to or from Yonge Street or any other street arising from the exercise by the Metropolitan Corporation and The Corporation of the City of Toronto of their powers under this section. Right to damages by reason of creation of promenade
- (5) Section 466 of *The Municipal Act* applies to any by-law enacted pursuant to subsection 2 or 6. Application of R.S.O. 1970, c. 284, s. 466
- (6) The Metropolitan Council with respect to any pedestrian promenade established under subsection 1 and the council of The Corporation of the City of Toronto with respect to any pedestrian promenade established under subsection 2 may pass by-laws, By-laws
- (a) prohibiting or regulating and licensing the hawking, peddling or selling of any goods, wares, merchandise or food thereon;
 - (b) prohibiting or regulating and licensing the use of any public address systems, sound equipment, loud speakers or similar devices thereon or on lands adjacent thereto;
 - (c) prohibiting or regulating and licensing any display, exhibition or advertising thereon; and

- (d) providing for the issue of licences with respect to any of the foregoing uses, including the authorization of the issue of licences by such official or officials of the Metropolitan Corporation or of The Corporation of the City of Toronto as may be named in the by-law and for prescribing the fees for such licences.

Effect on
licences
issued by
Licensing
Commission

- (7) Where a by-law has been passed by the Metropolitan Council or the council of The Corporation of the City of Toronto prohibiting any of the uses set forth in clause *a*, *b* or *c* of subsection 6, any licence issued by the Metropolitan Licensing Commission respecting any such use shall not be effective to permit such use on any pedestrian promenade established under this section.

Commence-
ment

- 15.**—(1) This Act, except sections 2, 6 and 11, comes into force on the day it receives Royal Assent.

Idem

- (2) Sections 2, 6 and 11 come into force on the 1st day of January, 1975.

Short title

- 16.** This Act may be cited as *The Municipality of Metropolitan Toronto Amendment Act, 1974*.



BILL 89

An Act to amend The Municipality
of Metropolitan Toronto Act

1st Reading

June 13th, 1974

2nd Reading

3rd Reading

THE HON. J. WHITE
Treasurer of Ontario and
Minister of Economics and
Intergovernmental Affairs

(Government Bill)

CA20N

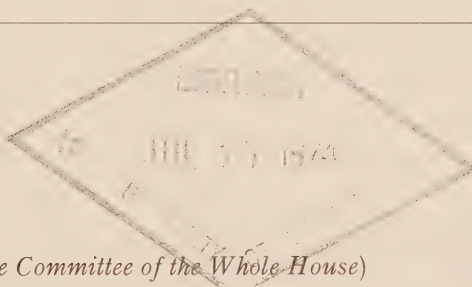
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4TH SESSION, 29TH LEGISLATURE, ONTARIO
23 ELIZABETH II, 1974

**An Act to amend The Municipality of
Metropolitan Toronto Act**

THE HON. J. WHITE
Treasurer of Ontario and Minister of Economics
and Intergovernmental Affairs



(Reprinted as amended by the Committee of the Whole House)

TORONTO

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EXPLANATORY NOTES

SECTION 1. The section as re-enacted increases the number of members on the Metropolitan Council from 32 to 37. The City of Toronto and the boroughs of York and East York retain their existing entitlement of 12, 3 and 2 members respectively, while that of Etobicoke is increased from 4 to 5, of Scarborough from 5 to 6 and of North York from 6 to 9. A provision is added that resignation from either the Metropolitan Council or the council of an area municipality shall be deemed to be a resignation from both councils.

BILL 89

1974

An Act to amend The Municipality of Metropolitan Toronto Act

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Section 5 of *The Municipality of Metropolitan Toronto Act*, s. 5, being chapter 295 of the Revised Statutes of Ontario, 1970, as amended by the Statutes of Ontario, 1972, chapter 168, section 2, is repealed and the following substituted therefor:

5.—(1) On and after the 1st day of January, 1975, the area municipalities are entitled to the following membership on the Metropolitan Council:

the Borough of East York	— 2 members
the Borough of Etobicoke	— 5 members
the Borough of North York	— 9 members
the Borough of Scarborough	— 6 members
the City of Toronto	— 12 members
the Borough of York	— 3 members

(2) In accordance with the membership to which an area municipality is entitled under subsection 1, the Metropolitan Council shall include the mayor of each area municipality and, subject to subsection 3,

(a) where an area municipality has a board of control,

(i) the controllers, or

(ii) if the number of members, exclusive of the mayor, to which the area municipality is entitled is less than the number of controllers,

the number of controllers equal to the number necessary to complete the membership to which the area municipality is entitled who, at the municipal election next preceding the day the new Metropolitan Council is organized in any year, received the greatest number of votes, the next greatest, and so on, as the case requires, or

- (iii) if the area municipality is entitled to a greater number of members than the mayor and the other members of the board of control, the controllers and such number of aldermen appointed by the council of the area municipality as is necessary to complete the membership to which the area municipality is entitled; or

- (b) where the area municipality does not have a board of control, such number of aldermen appointed by the council of the area municipality as is necessary to complete the membership on the Metropolitan Council to which the area municipality is entitled.

Where wards
equal to
number of
aldermen
to be
appointed

- (3) Where the number of wards in an area municipality is equal to the number of aldermen to be appointed by the council of such area municipality,

- (a) the alderman for each ward; or

- (b) if there is more than one alderman for each ward, the alderman for each ward who, at the municipal election next preceding the day the new Metropolitan Council is organized in any year, received the greatest number of votes in such ward,

shall be members of the Metropolitan Council in lieu of the aldermen to be appointed.

Acclamation
or equality
of votes

- (4) If, after any election in an area municipality, by reason of acclamation or an equality of votes, it cannot be determined which controller, or controllers, or alderman, or aldermen, is, or are, entitled to be a member, or members, of the Metropolitan Council, the matter shall be determined by resolution of the council of the area municipality passed before the organization meeting of the Metropolitan Council.

Election of
chairman

- (5) At the first meeting of the Metropolitan Council in each year after an election at which a quorum is present, the Metropolitan Council shall organize as a council and



SECTION 2. The section as re-enacted, increases the number of members on the Executive Committee of the Metropolitan Council from 11 to 14. The chairman and the mayor of each area municipality will continue to sit on the Committee but only three members of the City of Toronto executive committee will hold seats rather than the full number of four. Added as members will be two controllers from North York and one controller each from Scarborough and Etobicoke. Provisions are added to fix the quorum as six members and to govern the filling of vacancies under certain circumstances.

elect as chairman one of the members of the Metropolitan Council, or any other person, to hold office for that year and the following year and until his successor is elected or appointed in accordance with this section.

(6) The clerk of the Metropolitan Corporation shall preside <sup>Clerk to
preside</sup> at each such first meeting or, if there is no clerk, the members present shall select a member to preside, and the person so selected may vote as a member.

(7) If, at such first meeting for any reason a chairman is ^{Adjournment} not elected, the clerk or presiding member may adjourn the meeting from time to time and, if a chairman is not elected within one week after such first meeting, the Lieutenant Governor in Council shall appoint the chairman to hold office for that year and the following year and until his successor is elected or appointed in accordance with this section.

(8) The Metropolitan Council shall be composed of the ^{Composition} chairman and the persons who are members pursuant to this Part.

(9) A resignation from the Metropolitan Council or the ^{Resignation} council of an area municipality by a person who is a member of both councils shall be deemed to be a resignation from both the Metropolitan Council and the council of the area municipality.

2. Section 12 of the said Act is repealed and the following sub- <sup>s. 12,
re-enacted</sup> stituted therefor:

12.—(1) There shall be an Executive Committee of the <sup>Executive
Committee</sup> Metropolitan Council composed of,

- (a) the chairman;
- (b) the mayor of each area municipality;
- (c) the member of the board of control of the Borough of Etobicoke who, at the municipal election next preceding the day the new Metropolitan Council is organized in any year, received the greatest number of votes;
- (d) the two members of the board of control of the Borough of North York who, at the municipal election next preceding the day the new Metropolitan Council is organized in any year, received the greatest number of votes;

(e) the member of the board of control of the Borough of Scarborough who, at the municipal election next preceding the day the new Metropolitan Council is organized in any year, received the greatest number of votes; and

(f) three alderman members of the Executive Committee of the City of Toronto who are members of the Metropolitan Council appointed by the council of the City of Toronto.

Chairman

(2) The chairman of the Metropolitan Council shall be the chairman of the Executive Committee and entitled to vote as a member thereof.

Quorum

(3) Six members of the Executive Committee constitute a quorum.

Powers

R.S.O. 1970,
c. 284

(4) The Executive Committee has all the powers and duties of a board of control under subsections 1 and 2 of section 208 of *The Municipal Act*, and subsections 3 to 16 and 18 and 19 of that section apply *mutatis mutandis*.

Remunera-
tion of
members

(5) Each member of the Executive Committee other than the chairman shall, in addition to his remuneration as a member of the Metropolitan Council, receive such remuneration as may be authorized by the Metropolitan Council.

Certificate
of
qualification

(6) An alderman entitled to be a member of the Executive Committee under subsection 1 shall not take his seat on the Executive Committee until he has filed with the person presiding at the first meeting a certificate under the hand of the clerk of the City of Toronto certifying that he is a member of the executive committee of the City of Toronto appointed by the council of the city as a member of the Executive Committee.

Vacancy

(7) Where a seat on the Executive Committee becomes vacant by the death or resignation of a member who was a Borough controller, the vacancy shall be filled by the controller from the same Borough who received the next greatest number of votes.

s. 16,
enacted

3. The said Act is amended by adding thereto the following section:

Chief
administra-
tive officer

16.—(1) The Metropolitan Council may by by-law appoint a chief administrative officer, who,

(a) shall have such general control and management of the administration of the government and affairs

SECTION 3. The section added permitting the Metropolitan Council to appoint a chief administrative officer is in similar terms to that found in most of the Acts establishing regional municipalities.

SECTION 4.—Subsection 1. The effect of the amendment is to delete the requirement that the Minister's approval be obtained to by-laws establishing or amending the Metropolitan Toronto pension plan for its employees.

Subsection 2. The subsection added will permit certain retired employees of the Metropolitan Corporation to elect to receive benefits under the Metropolitan pension plan in lieu of the pension to which they are entitled under the plan of an area municipality or local board by whom they were employed prior to becoming employees of Metropolitan Toronto.

of the Metropolitan Corporation and perform such duties as the Metropolitan Council by by-law prescribes;

- (b) shall be responsible for the efficient administration of all its departments to the extent that he is given authority and control over them by by-law;
- (c) shall hold office during the pleasure of the Metropolitan Council; and
- (d) shall receive such salary as the Metropolitan Council by by-law determines.

(2) Subsection 2 of section 238 of *The Municipal Act* ^{Application of R.S.O. 1970, c. 284} applies to a chief administrative officer appointed under subsection 1 of this section.

4.—(1) Clause *b* of subsection 2 of section 24 of the said Act ^{s. 24 (2) (b), amended} is amended by striking out “and no such by-law shall become operative until approved by the Minister” in the fifth, sixth and seventh lines.

(2) The said section 24, as amended by the Statutes of ^{s. 24 amended} Ontario, 1971, chapter 80, section 1, is further amended by adding thereto the following subsection:

(9a) Notwithstanding this or any other general or special ^{Election by retired employee to transfer to Metropolitan pension plan} Act, where a retired employee of the Metropolitan Corporation or of a local board thereof,

- (a) was an employee of an area municipality or of a local board thereof and without intervening employment became an employee of the Metropolitan Corporation or of a local board thereof;
- (b) became a member of the pension plan of the Metropolitan Corporation;
- (c) retired on or after the 1st day of January, 1970;
- (d) received or is entitled to receive a pension from or under a pension plan of an area municipality or local board thereof; and
- (e) was entitled to elect a transfer of a sum of money under subsection 8 prior to his retirement and did not so elect,

such retired employee may, with the approval of the Metropolitan Corporation and the area municipality or local board thereof, in lieu of the pension referred to in clause *d*, elect not later than the 31st day of December, 1974, a transfer of a sum of money to the pension plan of the Metropolitan Corporation from the pension plan of the area municipality or local board thereof, equal to the present value, calculated as of the date of the transfer of such sum of money on the

basis of generally accepted actuarial methods, of the pension, including all benefits pertaining thereto to which such retired employee is entitled under the pension plan of the area municipality or of a local board thereof and where such retired employee has died the person receiving a pension in respect of the retired employee shall be deemed to be the retired employee for the purposes of this subsection.

s. 35a,
enacted

5. The said Act is further amended by adding thereto the following section:

Surcharge
on water
rates

35a.—(1) Notwithstanding section 35, the Metropolitan Council may add a surcharge of such percentage as it may determine to the water rates fixed under that section and the proceeds of such surcharge shall be deemed not to be revenue of the waterworks system under section 38 and shall be applied or expended for the purpose of collecting or receiving from the area municipalities, or any of them, sewage and land drainage and the treatment or disposal thereof.

Applica-
tion of
s. 49

- (2) The provisions of section 49 apply to this section.

s. 96,
re-enacted

6. Section 96 of the said Act, as amended by the Statutes of Ontario, 1973, chapter 171, section 2, is repealed and the following substituted therefor:

Stopping-up
highways

96.—(1) Where an area municipality intends to stop up a highway or part of a highway, it shall so notify the clerk of the Metropolitan Corporation by registered mail.

Agreement

(2) If the Metropolitan Council objects to such stopping-up, it shall so notify the council of the area municipality by registered mail within twenty-one days of the receipt of the notice under subsection 1 and the highway or part thereof concerned shall not be stopped-up except by agreement between the area municipality and the Metropolitan Council and failing agreement the Municipal Board, upon application, may determine the matter and its decision is final.

Approval
of judge not
required
R.S.O. 1970,
c. 284

(3) In the case of a township in the Metropolitan Area, it is not necessary to obtain the approval of the judge of the county court to such stopping up under section 443 of *The Municipal Act*.

Approval
required to
intersect
metropolitan
road

(4) No area municipality shall open up, establish or assume for public use any highway which intersects with or enters upon any highway in the metropolitan road system, without the prior written approval of the Metropolitan Corporation.

SECTION 5. The section added empowers the Metropolitan Council to add a surcharge to the rates at which water is supplied to the area municipalities, the proceeds of which are to be expended for the purpose of collecting and disposing of sewage and land drainage.

SECTION 6. The re-enactment is complementary to section 11 of the Bill dissolving the planning board for The Metropolitan Toronto Planning Area; the functions of the planning board relating to the stopping-up of highways by an area municipality are transferred to the Metropolitan Council.

SECTION 7. The section added empowers the Treasurer of Ontario, on the request of the council of any of the five Boroughs, to erect the municipality from a township into a city.

SECTION 8. The effect of the amendments is to delete the requirement that the Minister's approval be obtained to the pension plan provided for members of the Metropolitan Police Force.

SECTION 9. The amendment corrects an error in an internal reference.

SECTION 10. The section added empowers the Metropolitan Council and the council of any area municipality to adopt a housing policy statement with the approval of the Minister of Housing. The policy statement of an area municipality may not conflict with that of Metropolitan Toronto and by-laws that do not conform with an approved housing policy statement may not be passed.

7. The said Act is further amended by adding thereto the following ^{s. 148a, enacted} section:

148a.—(1) Notwithstanding section 148, upon the applica- ^{Treasurer may erect township area municipality into city municipality} tion of the council of an area municipality that has the status of a township municipality, the Treasurer of Ontario and Minister of Economics and Intergovernmental Affairs may, by order, erect the area municipality into a city municipality and may direct the name the newly erected municipality shall bear and the date when the erection shall take effect and may provide for any matters that he considers necessary for the establishment and carrying on of the newly erected municipality, including the composition of its council.

(2) Where an order is made under subsection 1, sections 17, ^{Application of R.S.O. 1970, c. 284, ss. 17, 19, 22} 19 and 22 of *The Municipal Act* apply, *mutatis mutandis*, and the provisions of any special Act relating to the former township municipality apply to the newly erected municipality.

- 8.—(1) Subsection 1 of section 183 of the said Act is amended ^{s. 183 (1), amended} by striking out “such” in the second line and inserting in lieu thereof “a” and by striking out “as the Minister may approve” in the fourth and fifth lines.

(2) Subsection 6 of the said section 183 is amended by ^{s. 183 (6), amended} striking out “Subject to the approval of the Minister” in the first line.

9. Subsection 1 of section 194 of the said Act is amended by ^{s. 194 (1), amended} striking out “subsection 2” in the fifth line and inserting in lieu thereof “subsection 3”.

10. The said Act is further amended by adding thereto the following ^{s. 198a, enacted} section:

198a.—(1) The Metropolitan Council and the council of any ^{Adoption of policy statement related to housing} area municipality may, by by-law approved by the Minister of Housing, adopt a policy statement related to housing, containing specific objectives, production targets and financial arrangements.

(2) Where a policy statement referred to in subsection 1 ^{By-laws, etc., to conform with housing policy statement} has been adopted by the Metropolitan Council and approved by the Minister of Housing, every housing policy statement that has been adopted by the council of an area municipality shall be amended forthwith to conform therewith and no housing policy statement of an area municipality shall thereafter be approved that does not conform with the housing policy statement of the Metropolitan Council and no

by-law shall be passed by the Metropolitan Council or by the council of an area municipality that does not conform with the housing policy statement of the Metropolitan Council.

ss. 199-203,
re-enacted

- 11.** Sections 199, 200, 201, 202 and 203 of the said Act are repealed and the following substituted therefor:

Metropolitan
Toronto
Planning
Area
R.S.O. 1970,
c. 349

199.—(1) The Metropolitan Toronto Planning Area is continued as a joint planning area under *The Planning Act*.

Designated
municipality

(2) The Metropolitan Corporation is the designated municipality within the meaning of *The Planning Act* for the purposes of The Metropolitan Toronto Planning Area.

Planning
board
dissolved

(3) The planning board for The Metropolitan Toronto Planning Area is hereby dissolved.

Area municipi-
palities
subsidiary
planning
areas

(4) Subject to *The Planning Act*, each area municipality is a subsidiary planning area within The Metropolitan Toronto Planning Area.

Proviso

(5) Nothing in subsections 3 and 4 affects any official plan in effect in any part of the Metropolitan Area.

Subsidiary
plans

(6) When the Minister of Housing has approved an official plan adopted by the Metropolitan Council,

(a) every official plan and every by-law passed under section 35 of *The Planning Act* or a predecessor thereof then in effect in the planning area affected thereby shall be amended forthwith to conform therewith; and

(b) no official plan of a subsidiary planning area shall be adopted that does not conform therewith.

Planning
duties of
Metropolitan
Council

200.—(1) The Metropolitan Council shall investigate and survey the physical, social and economic conditions in relation to the development of The Metropolitan Toronto Planning Area and may perform such other duties of a planning nature as may be referred to it by any council having jurisdiction in The Metropolitan Toronto Planning Area, and without limiting the generality of the foregoing it shall,

(a) prepare maps, drawings, texts, statistical information and all other material necessary for the study, explanation and solution of problems or matters affecting the development of The Metropolitan Toronto Planning Area;

SECTION 11. The re-enacted sections dissolve the planning board for The Metropolitan Toronto Planning Area and vest its planning functions in the Metropolitan Council.

(b) hold public meetings and publish information for the purpose of obtaining the participation and co-operation of the inhabitants of The Metropolitan Toronto Planning Area in determining the solution of problems or matters affecting the development of The Metropolitan Toronto Planning Area; and

(c) consult with any local board having jurisdiction within The Metropolitan Toronto Planning Area.

(2) The Metropolitan Council shall prepare, adopt and forward to the Minister of Housing for approval an official plan for The Metropolitan Toronto Planning Area.

(3) The Metropolitan Council may appoint such planning committees and staff as it considers necessary.

(4) The Metropolitan Corporation shall be deemed to be a municipality and the Metropolitan Council a planning board for the purposes of section 1, subsections 4, 6 and 7 of section 2, sections 5, 13, 14, 15, 16, 17, 19, 20, 21, 22, 24, 25, 26, 27, 33, 43 and 44 of *The Planning Act*.

(5) The Metropolitan Corporation may enter into agreements with area municipalities or persons relating to conditions of approval of plans of subdivision and shall be deemed to have always had authority to enter into such agreements.

(6) The Metropolitan Corporation, with the approval of the Minister of Housing, may enter into agreements with any governmental authority, or any agency thereof created by statute for the carrying out of studies relating to The Metropolitan Toronto Planning Area or any part thereof.

201. Except as provided in this Part, the provisions of *The Planning Act* apply.

202. All the assets and liabilities of the planning board for The Metropolitan Toronto Planning Area are assets and liabilities of the Metropolitan Corporation and the Metropolitan Corporation, for all purposes, stands in the place and stead of the planning board for The Metropolitan Toronto Planning Area.

203. Where a person who was employed by the planning board for The Metropolitan Toronto Planning Area immediately prior to the 1st day of January, 1975, is employed by the Metropolitan Corporation without intervening employment,

- (a) employment with the planning board shall be deemed to have been employment with the Metropolitan Corporation for the purposes of sick leave credits and gratuities and holidays; and
- (b) the employee, if a member of the pension plan of the Metropolitan Corporation, shall be deemed not to be a person who enters the employ of an employer within the meaning of clause *a* of subsection 1 of section 8 of *The Ontario Municipal Employees Retirement System Act*.

R.S.O. 1970,
c. 324

Offer of
employment

203a.—(1) The Metropolitan Corporation shall offer to employ every person who, on the 1st day of June, 1974, is employed by the planning board for The Metropolitan Toronto Planning Area, and who continues to be so employed until the 31st day of December, 1974.

Entitlement
to salary

(2) Any person who accepts employment under subsection 1 shall be entitled to receive a wage or salary up to and including the 31st day of December, 1975, of not less than he was receiving on the 1st day of June, 1974.

Termination
of
employment

(3) Nothing in this section prevents the Metropolitan Corporation from terminating the employment of an employee for cause.

s. 208 (4),
amended

- 12.** Subsection 4 of section 208 of the said Act is amended by striking out “are not members of the Metropolitan Council or of the council of an area municipality, and” in the second, third and fourth lines.

s. 212,
re-enacted

- 13.** Section 212 of the said Act is repealed and the following substituted therefor:

Interpre-
tation

212.—(1) For the purposes of this section, “municipality” includes a metropolitan, regional or district municipality.

Investment of
moneys not
immediately
required

(2) Where the Metropolitan Corporation or an area municipality has moneys not required immediately by the Metropolitan Corporation or the area municipality, such moneys may be,

(a) invested in,

- (i) bonds, debentures, or other evidences of indebtedness of or guaranteed by the Government of Canada, the Province of Ontario, or any other province of Canada,
- (ii) debentures, notes or guaranteed investment certificates of or term deposits with any

SECTION 12. The Board of Management of the O'Keefe Centre is composed of persons appointed by the Metropolitan Council. The amendment removes the present restriction that such persons be not members of the Metropolitan Council nor members of the council of an area municipality.

SECTION 13. The re-enactment of the section broadens the powers of the Metropolitan Corporation in respect of the investment of moneys not immediately required and extends these broadened powers to the area municipalities.

SECTION 14. Authority is granted to the Metropolitan Corporation and to the City of Toronto to establish a pedestrian mall or malls on Yonge Street and the other streets mentioned between the dates in the year 1974 that are set out. The authority is substantially the same as that granted in previous years with the exception that the power to pass by-laws to prohibit or regulate the distribution of literature, pamphlets and the like is not included.

trust company or loan corporation that is registered under *The Loan and Trust Corporations Act*, R.S.O. 1970, c. 254

- (iii) term deposits, deposit receipts, deposit notes, certificates of deposit, acceptances and other similar instruments issued, accepted or endorsed by any chartered bank to which the *Bank Act* (Canada) applies, R.S.C. 1970, c. B-1

- (iv) loans by way of promissory notes of the borrower to any municipality, or to any local board as defined in *The Municipal Affairs Act*, R.S.O. 1970, c. 118
or

- (b) advanced to the capital account of the Metropolitan Corporation or the area municipality for the purpose of interim financing of capital undertakings,

provided that the moneys invested or advanced are repayable by the day on which they are required by the Metropolitan Corporation or the area municipality, and the investments are in other respects reasonable and proper.

- 14.—**(1) The Metropolitan Council may pass by-laws for establishing any part or parts of Yonge Street in the City of Toronto between the south limit of Bloor Street and the north limit of King Street solely or principally as a pedestrian promenade for such period or periods between the 17th day of June and the 3rd day of September in the year 1974 as the Council may determine, and for prohibiting the use thereof by vehicles or any class thereof except to such extent and for such period or periods as may be specified and for permitting the use of the said part of Yonge Street and the obstruction thereof by such persons and in such manner and to such extent as the Metropolitan Council may consider desirable. Pedestrian promenades, Yonge St.
- (2) The council of The Corporation of the City of Toronto may pass by-laws for establishing all of Trinity Square and the parts of those parts of those streets under the jurisdiction of the said council intersecting that part of Yonge Street between the south limit of Bloor Street and the north limit of King Street within 200 feet of Yonge Street solely or principally as pedestrian promenades for such period or periods between the 17th day of June and the 3rd day of September in the year 1974 as the council may determine, and for prohibiting the use thereof by vehicles or any class thereof except to such extent and for such period or periods as may be specified and for permitting the use and obstruction thereof by such persons and in such manner and to such extent as the said council may consider desirable. Idem, Trinity Square, etc.

Contribution
by City
toward costs

- (3) The Corporation of the City of Toronto may contribute toward the cost of the establishment and maintenance of any pedestrian promenade established by the Metropolitan Council under the provisions of subsection 1.

Right to
damages
by reason
of creation
of
promenade

- (4) Notwithstanding the provisions of any general or special Act, no person shall be entitled to recover any damages or compensation from the Metropolitan Corporation or The Corporation of the City of Toronto for loss of business or for loss of access to or from Yonge Street or any other street arising from the exercise by the Metropolitan Corporation and The Corporation of the City of Toronto of their powers under this section.

Application
of R.S.O.
1970, c. 284,
s. 466

- (5) Section 466 of *The Municipal Act* applies to any by-law enacted pursuant to subsection 2 or 6.

By-laws

- (6) The Metropolitan Council with respect to any pedestrian promenade established under subsection 1 and the council of The Corporation of the City of Toronto with respect to any pedestrian promenade established under subsection 2 may pass by-laws,

- (a) prohibiting or regulating and licensing the hawking, peddling or selling of any goods, wares, merchandise or food thereon;
- (b) prohibiting or regulating and licensing the use of any public address systems, sound equipment, loud speakers or similar devices thereon or on lands adjacent thereto;
- (c) prohibiting or regulating and licensing any display, exhibition or advertising thereon; and
- (d) providing for the issue of licences with respect to any of the foregoing uses, including the authorization of the issue of licences by such official or officials of the Metropolitan Corporation or of The Corporation of the City of Toronto as may be named in the by-law and for prescribing the fees for such licences.

Effect on
licences
issued by
Licensing
Commission

- (7) Where a by-law has been passed by the Metropolitan Council or the council of The Corporation of the City of Toronto prohibiting any of the uses set forth in clause *a*, *b* or *c* of subsection 6, any licence issued by the Metropolitan Licensing Commission respecting any such use shall not be effective to permit such use on any pedestrian promenade established under this section.

15.—(1) This Act, except sections 2, 6 and 11, comes into force ^{Commence-} on the day it receives Royal Assent.
ment

(2) Sections 2, 6 and 11 come into force on the 1st day of ^{Idem} January, 1975.

16. This Act may be cited as *The Municipality of Metropolitan* ^{Short title}
Toronto Amendment Act, 1974.

BILL 89

An Act to amend The Municipality
of Metropolitan Toronto Act

1st Reading

June 13th, 1974

2nd Reading

June 21st, 1974

3rd Reading

THE HON. J. WHITE
Treasurer of Ontario and
Minister of Economics and
Intergovernmental Affairs

*(Reprinted as amended by the
Committee of the Whole House)*

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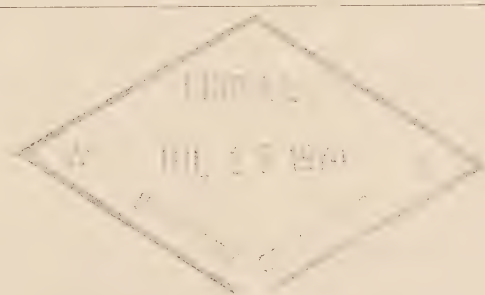
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4TH SESSION, 29TH LEGISLATURE, ONTARIO
23 ELIZABETH II, 1974

An Act to amend The Municipality of
Metropolitan Toronto Act

THE HON. J. WHITE
Treasurer of Ontario and Minister of Economics
and Intergovernmental Affairs



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1. Section 5 of *The Municipality of Metropolitan Toronto Act*, ^{s. 5, re-enacted} being chapter 295 of the Revised Statutes of Ontario, 1970, as amended by the Statutes of Ontario, 1972, chapter 168, section 2, is repealed and the following substituted therefor:

5.—(1) On and after the 1st day of January, 1975, the ^{Metropolitan Council} area municipalities are entitled to the following membership ^{membership} on the Metropolitan Council:

the Borough of East York	— 2 members
the Borough of Etobicoke	— 5 members
the Borough of North York	— 9 members
the Borough of Scarborough	— 6 members
the City of Toronto	— 12 members
the Borough of York	— 3 members

(2) In accordance with the membership to which an area ^{Composition} municipality is entitled under subsection 1, the Metropolitan Council shall include the mayor of each area municipality and, subject to subsection 3,

(a) where an area municipality has a board of control,

(i) the controllers, or

(ii) if the number of members, exclusive of the mayor, to which the area municipality is entitled is less than the number of controllers,

the number of controllers equal to the number necessary to complete the membership to which the area municipality is entitled who, at the municipal election next preceding the day the new Metropolitan Council is organized in any year, received the greatest number of votes, the next greatest, and so on, as the case requires, or

- (iii) if the area municipality is entitled to a greater number of members than the mayor and the other members of the board of control, the controllers and such number of aldermen appointed by the council of the area municipality as is necessary to complete the membership to which the area municipality is entitled ; or

- (b) where the area municipality does not have a board of control, such number of aldermen appointed by the council of the area municipality as is necessary to complete the membership on the Metropolitan Council to which the area municipality is entitled.

Where wards
equal to
number of
aldermen
to be
appointed

(3) Where the number of wards in an area municipality is equal to the number of aldermen to be appointed by the council of such area municipality,

- (a) the alderman for each ward ; or

- (b) if there is more than one alderman for each ward, the alderman for each ward who, at the municipal election next preceding the day the new Metropolitan Council is organized in any year, received the greatest number of votes in such ward,

shall be members of the Metropolitan Council in lieu of the aldermen to be appointed.

Acclamation
or equality
of votes

(4) If, after any election in an area municipality, by reason of acclamation or an equality of votes, it cannot be determined which controller, or controllers, or alderman, or aldermen, is, or are, entitled to be a member, or members, of the Metropolitan Council, the matter shall be determined by resolution of the council of the area municipality passed before the organization meeting of the Metropolitan Council.

Election of
chairman

(5) At the first meeting of the Metropolitan Council in each year after an election at which a quorum is present, the Metropolitan Council shall organize as a council and

elect as chairman one of the members of the Metropolitan Council, or any other person, to hold office for that year and the following year and until his successor is elected or appointed in accordance with this section.

(6) The clerk of the Metropolitan Corporation shall ^{Clerk to}preside at each such first meeting or, if there is no clerk, the members present shall select a member to ^{preside}preside, and the person so selected may vote as a member.

(7) If, at such first meeting for any reason a chairman is ^{Adjournment}not elected, the clerk or presiding member may adjourn the meeting from time to time and, if a chairman is not elected within one week after such first meeting, the Lieutenant Governor in Council shall appoint the chairman to hold office for that year and the following year and until his successor is elected or appointed in accordance with this section.

(8) The Metropolitan Council shall be composed of the ^{Composition}chairman and the persons who are members pursuant to this Part.

(9) A resignation from the Metropolitan Council or the ^{Resignation}council of an area municipality by a person who is a member of both councils shall be deemed to be a resignation from both the Metropolitan Council and the council of the area municipality.

2. Section 12 of the said Act is repealed and the following sub- ^{s. 12,}stituted therefor: ^{re-enacted}

12.—(1) There shall be an Executive Committee of the ^{Executive}Metropolitan Council composed of, ^{Committee}

- (a) the chairman;
- (b) the mayor of each area municipality;
- (c) the member of the board of control of the Borough of Etobicoke who, at the municipal election next preceding the day the new Metropolitan Council is organized in any year, received the greatest number of votes;
- (d) the two members of the board of control of the Borough of North York who, at the municipal election next preceding the day the new Metropolitan Council is organized in any year, received the greatest number of votes;

(e) the member of the board of control of the Borough of Scarborough who, at the municipal election next preceding the day the new Metropolitan Council is organized in any year, received the greatest number of votes; and

(f) three alderman members of the Executive Committee of the City of Toronto who are members of the Metropolitan Council appointed by the council of the City of Toronto.

Chairman

(2) The chairman of the Metropolitan Council shall be the chairman of the Executive Committee and entitled to vote as a member thereof.

Quorum

(3) Six members of the Executive Committee constitute a quorum.

Powers

R.S.O. 1970,
c. 284

(4) The Executive Committee has all the powers and duties of a board of control under subsections 1 and 2 of section 208 of *The Municipal Act*, and subsections 3 to 16 and 18 and 19 of that section apply *mutatis mutandis*.

Remuneration
of
members

(5) Each member of the Executive Committee other than the chairman shall, in addition to his remuneration as a member of the Metropolitan Council, receive such remuneration as may be authorized by the Metropolitan Council.

Certificate
of
qualification

(6) An alderman entitled to be a member of the Executive Committee under subsection 1 shall not take his seat on the Executive Committee until he has filed with the person presiding at the first meeting a certificate under the hand of the clerk of the City of Toronto certifying that he is a member of the executive committee of the City of Toronto appointed by the council of the city as a member of the Executive Committee.

Vacancy

(7) Where a seat on the Executive Committee becomes vacant by the death or resignation of a member who was a Borough controller, the vacancy shall be filled by the controller from the same Borough who received the next greatest number of votes.

s. 16,
enacted

3. The said Act is amended by adding thereto the following section:

Chief
administra-
tive officer

16.—(1) The Metropolitan Council may by by-law appoint a chief administrative officer, who,

(a) shall have such general control and management of the administration of the government and affairs

of the Metropolitan Corporation and perform such duties as the Metropolitan Council by by-law prescribes;

- (b) shall be responsible for the efficient administration of all its departments to the extent that he is given authority and control over them by by-law;
- (c) shall hold office during the pleasure of the Metropolitan Council; and
- (d) shall receive such salary as the Metropolitan Council by by-law determines.

(2) Subsection 2 of section 238 of *The Municipal Act* ^{Application of R.S.O. 1970, c. 284} applies to a chief administrative officer appointed under subsection 1 of this section.

4.—(1) Clause *b* of subsection 2 of section 24 of the said Act ^{s. 24 (2) (b), amended} is amended by striking out “and no such by-law shall become operative until approved by the Minister” in the fifth, sixth and seventh lines.

(2) The said section 24, as amended by the Statutes of ^{s. 24 amended} Ontario, 1971, chapter 80, section 1, is further amended by adding thereto the following subsection:

(9a) Notwithstanding this or any other general or special Act, where a retired employee of the Metropolitan Corporation ^{Election by retired employee to transfer to Metropolitan pension plan} or of a local board thereof,

- (a) was an employee of an area municipality or of a local board thereof and without intervening employment became an employee of the Metropolitan Corporation or of a local board thereof;
- (b) became a member of the pension plan of the Metropolitan Corporation;
- (c) retired on or after the 1st day of January, 1970;
- (d) received or is entitled to receive a pension from or under a pension plan of an area municipality or local board thereof; and
- (e) was entitled to elect a transfer of a sum of money under subsection 8 prior to his retirement and did not so elect,

such retired employee may, with the approval of the Metropolitan Corporation and the area municipality or local board thereof, in lieu of the pension referred to in clause *d*, elect not later than the 31st day of December, 1974, a transfer of a sum of money to the pension plan of the Metropolitan Corporation from the pension plan of the area municipality or local board thereof, equal to the present value, calculated as of the date of the transfer of such sum of money on the

basis of generally accepted actuarial methods, of the pension, including all benefits pertaining thereto to which such retired employee is entitled under the pension plan of the area municipality or of a local board thereof and where such retired employee has died the person receiving a pension in respect of the retired employee shall be deemed to be the retired employee for the purposes of this subsection.

s. 35a,
enacted

5. The said Act is further amended by adding thereto the following section:

Surcharge
on water
rates

35a.—(1) Notwithstanding section 35, the Metropolitan Council may add a surcharge of such percentage as it may determine to the water rates fixed under that section and the proceeds of such surcharge shall be deemed not to be revenue of the waterworks system under section 38 and shall be applied or expended for the purpose of collecting or receiving from the area municipalities, or any of them, sewage and land drainage and the treatment or disposal thereof.

Applica-
tion of
s. 49

- (2) The provisions of section 49 apply to this section.

s. 96,
re-enacted

6. Section 96 of the said Act, as amended by the Statutes of Ontario, 1973, chapter 171, section 2, is repealed and the following substituted therefor:

Stopping-up
highways

96.—(1) Where an area municipality intends to stop up a highway or part of a highway, it shall so notify the clerk of the Metropolitan Corporation by registered mail.

Agreement

(2) If the Metropolitan Council objects to such stopping-up, it shall so notify the council of the area municipality by registered mail within twenty-one days of the receipt of the notice under subsection 1 and the highway or part thereof concerned shall not be stopped-up except by agreement between the area municipality and the Metropolitan Council and failing agreement the Municipal Board, upon application, may determine the matter and its decision is final.

Approval
of judge not
required
R.S.O. 1970,
c. 284

(3) In the case of a township in the Metropolitan Area, it is not necessary to obtain the approval of the judge of the county court to such stopping up under section 443 of *The Municipal Act*.

Approval
required to
intersect
metropolitan
road

(4) No area municipality shall open up, establish or assume for public use any highway which intersects with or enters upon any highway in the metropolitan road system, without the prior written approval of the Metropolitan Corporation.

7. The said Act is further amended by adding thereto the following ^{s. 148a, enacted} section:

148a.—(1) Notwithstanding section 148, upon the applica- ^{Treasurer may erect township area municipality into city municipality} tion of the council of an area municipality that has the status of a township municipality, the Treasurer of Ontario and Minister of Economics and Intergovernmental Affairs may, by order, erect the area municipality into a city municipality and may direct the name the newly erected municipality shall bear and the date when the erection shall take effect and may provide for any matters that he considers necessary for the establishment and carrying on of the newly erected municipality, including the composition of its council.

(2) Where an order is made under subsection 1, sections 17, ^{Application of R.S.O. 1970, c. 284, ss. 17, 19, 22} 19 and 22 of *The Municipal Act* apply, *mutatis mutandis*, and the provisions of any special Act relating to the former township municipality apply to the newly erected municipality.

- 8.—(1) Subsection 1 of section 183 of the said Act is amended ^{s. 183 (1), amended} by striking out “such” in the second line and inserting in lieu thereof “a” and by striking out “as the Minister may approve” in the fourth and fifth lines.

(2) Subsection 6 of the said section 183 is amended by ^{s. 183 (6), amended} striking out “Subject to the approval of the Minister” in the first line.

9. Subsection 1 of section 194 of the said Act is amended by ^{s. 194 (1), amended} striking out “subsection 2” in the fifth line and inserting in lieu thereof “subsection 3”.

10. The said Act is further amended by adding thereto the following ^{s. 198a, enacted} section:

198a.—(1) The Metropolitan Council and the council of any ^{Adoption of policy statement related to housing} area municipality may, by by-law approved by the Minister of Housing, adopt a policy statement related to housing, containing specific objectives, production targets and financial arrangements.

(2) Where a policy statement referred to in subsection 1 ^{By-laws, etc., to conform with housing policy statement} has been adopted by the Metropolitan Council and approved by the Minister of Housing, every housing policy statement that has been adopted by the council of an area municipality shall be amended forthwith to conform therewith and no housing policy statement of an area municipality shall thereafter be approved that does not conform with the housing policy statement of the Metropolitan Council and no

by-law shall be passed by the Metropolitan Council or by the council of an area municipality that does not conform with the housing policy statement of the Metropolitan Council.

ss. 199-203,
re-enacted

- 11.** Sections 199, 200, 201, 202 and 203 of the said Act are repealed and the following substituted therefor:

Metropolitan
Toronto
Planning
Area
R.S.O. 1970,
c. 349

199.—(1) The Metropolitan Toronto Planning Area is continued as a joint planning area under *The Planning Act*.

Designated
municipality

(2) The Metropolitan Corporation is the designated municipality within the meaning of *The Planning Act* for the purposes of The Metropolitan Toronto Planning Area.

Planning
board
dissolved

(3) The planning board for The Metropolitan Toronto Planning Area is hereby dissolved.

Area municipi-
palities
subsidiary
planning
areas

(4) Subject to *The Planning Act*, each area municipality is a subsidiary planning area within The Metropolitan Toronto Planning Area.

Proviso

(5) Nothing in subsections 3 and 4 affects any official plan in effect in any part of the Metropolitan Area.

Subsidiary
plans

(6) When the Minister of Housing has approved an official plan adopted by the Metropolitan Council,

(a) every official plan and every by-law passed under section 35 of *The Planning Act* or a predecessor thereof then in effect in the planning area affected thereby shall be amended forthwith to conform therewith; and

(b) no official plan of a subsidiary planning area shall be adopted that does not conform therewith.

Planning
duties of
Metropolitan
Council

200.—(1) The Metropolitan Council shall investigate and survey the physical, social and economic conditions in relation to the development of The Metropolitan Toronto Planning Area and may perform such other duties of a planning nature as may be referred to it by any council having jurisdiction in The Metropolitan Toronto Planning Area, and without limiting the generality of the foregoing it shall,

(a) prepare maps, drawings, texts, statistical information and all other material necessary for the study, explanation and solution of problems or matters affecting the development of The Metropolitan Toronto Planning Area;

(b) hold public meetings and publish information for the purpose of obtaining the participation and co-operation of the inhabitants of The Metropolitan Toronto Planning Area in determining the solution of problems or matters affecting the development of The Metropolitan Toronto Planning Area; and

(c) consult with any local board having jurisdiction within The Metropolitan Toronto Planning Area.

(2) The Metropolitan Council shall prepare, adopt and forward to the Minister of Housing for approval an official plan for The Metropolitan Toronto Planning Area.

(3) The Metropolitan Council may appoint such planning committees and staff as it considers necessary.

(4) The Metropolitan Corporation shall be deemed to be a municipality and the Metropolitan Council a planning board for the purposes of section 1, subsections 4, 6 and 7 of section 2, sections 5, 13, 14, 15, 16, 17, 19, 20, 21, 22, 24, 25, 26, 27, 33, 43 and 44 of *The Planning Act*.

(5) The Metropolitan Corporation may enter into agreements with area municipalities or persons relating to conditions of approval of plans of subdivision and shall be deemed to have always had authority to enter into such agreements.

(6) The Metropolitan Corporation, with the approval of the Minister of Housing, may enter into agreements with any governmental authority, or any agency thereof created by statute for the carrying out of studies relating to The Metropolitan Toronto Planning Area or any part thereof.

201. Except as provided in this Part, the provisions of *The Planning Act* apply.

202. All the assets and liabilities of the planning board for The Metropolitan Toronto Planning Area are assets and liabilities of the Metropolitan Corporation and the Metropolitan Corporation, for all purposes, stands in the place and stead of the planning board for The Metropolitan Toronto Planning Area.

203. Where a person who was employed by the planning board for The Metropolitan Toronto Planning Area immediately prior to the 1st day of January, 1975, is employed by the Metropolitan Corporation without intervening employment,

(a) employment with the planning board shall be deemed to have been employment with the Metropolitan Corporation for the purposes of sick leave credits and gratuities and holidays; and

(b) the employee, if a member of the pension plan of the Metropolitan Corporation, shall be deemed not to be a person who enters the employ of an employer within the meaning of clause *a* of subsection 1 of section 8 of *The Ontario Municipal Employees Retirement System Act*.

R.S.O. 1970,
c. 324

Offer of
employment

203a.—(1) The Metropolitan Corporation shall offer to employ every person who, on the 1st day of June, 1974, is employed by the planning board for The Metropolitan Toronto Planning Area, and who continues to be so employed until the 31st day of December, 1974.

Entitlement
to salary

(2) Any person who accepts employment under subsection 1 shall be entitled to receive a wage or salary up to and including the 31st day of December, 1975, of not less than he was receiving on the 1st day of June, 1974.

Termination
of
employment

(3) Nothing in this section prevents the Metropolitan Corporation from terminating the employment of an employee for cause.

s. 208 (4),
amended

12. Subsection 4 of section 208 of the said Act is amended by striking out “are not members of the Metropolitan Council or of the council of an area municipality, and” in the second, third and fourth lines.

s. 212,
re-enacted

13. Section 212 of the said Act is repealed and the following substituted therefor:

Interpre-
tation

212.—(1) For the purposes of this section, “municipality” includes a metropolitan, regional or district municipality.

Investment of
moneys not
immediately
required

(2) Where the Metropolitan Corporation or an area municipality has moneys not required immediately by the Metropolitan Corporation or the area municipality, such moneys may be,

(a) invested in,

(i) bonds, debentures, or other evidences of indebtedness of or guaranteed by the Government of Canada, the Province of Ontario, or any other province of Canada,

(ii) debentures, notes or guaranteed investment certificates of or term deposits with any

trust company or loan corporation that is registered under *The Loan and Trust Corporations Act*, R.S.O. 1970,
c. 254

- (iii) term deposits, deposit receipts, deposit notes, certificates of deposit, acceptances and other similar instruments issued, accepted or endorsed by any chartered bank to which the *Bank Act* (Canada) applies, R.S.C. 1970,
c. B-1
- (iv) loans by way of promissory notes of the borrower to any municipality, or to any local board as defined in *The Municipal Affairs Act*; R.S.O. 1970,
c. 118
or

- (b) advanced to the capital account of the Metropolitan Corporation or the area municipality for the purpose of interim financing of capital undertakings,

provided that the moneys invested or advanced are repayable by the day on which they are required by the Metropolitan Corporation or the area municipality, and the investments are in other respects reasonable and proper.

- 14.**—(1) The Metropolitan Council may pass by-laws for establishing any part or parts of Yonge Street in the City of Toronto between the south limit of Bloor Street and the north limit of King Street solely or principally as a pedestrian promenade for such period or periods between the 17th day of June and the 3rd day of September in the year 1974 as the Council may determine, and for prohibiting the use thereof by vehicles or any class thereof except to such extent and for such period or periods as may be specified and for permitting the use of the said part of Yonge Street and the obstruction thereof by such persons and in such manner and to such extent as the Metropolitan Council may consider desirable. Pedestrian
promenades,
Yonge St.
- (2) The council of The Corporation of the City of Toronto may pass by-laws for establishing all of Trinity Square and the parts of those parts of those streets under the jurisdiction of the said council intersecting that part of Yonge Street between the south limit of Bloor Street and the north limit of King Street within 200 feet of Yonge Street solely or principally as pedestrian promenades for such period or periods between the 17th day of June and the 3rd day of September in the year 1974 as the council may determine, and for prohibiting the use thereof by vehicles or any class thereof except to such extent and for such period or periods as may be specified and for permitting the use and obstruction thereof by such persons and in such manner and to such extent as the said council may consider desirable. Idem,
Trinity
Square,
etc.

Contribution
by City
toward costs

- (3) The Corporation of the City of Toronto may contribute toward the cost of the establishment and maintenance of any pedestrian promenade established by the Metropolitan Council under the provisions of subsection 1.

Right to
damages
by reason
of creation
of
promenade

- (4) Notwithstanding the provisions of any general or special Act, no person shall be entitled to recover any damages or compensation from the Metropolitan Corporation or The Corporation of the City of Toronto for loss of business or for loss of access to or from Yonge Street or any other street arising from the exercise by the Metropolitan Corporation and The Corporation of the City of Toronto of their powers under this section.

Application
of R.S.O.
1970, c. 284,
s. 466

- (5) Section 466 of *The Municipal Act* applies to any by-law enacted pursuant to subsection 2 or 6.

By-laws

- (6) The Metropolitan Council with respect to any pedestrian promenade established under subsection 1 and the council of The Corporation of the City of Toronto with respect to any pedestrian promenade established under subsection 2 may pass by-laws,

- (a) prohibiting or regulating and licensing the hawking, peddling or selling of any goods, wares, merchandise or food thereon;
- (b) prohibiting or regulating and licensing the use of any public address systems, sound equipment, loud speakers or similar devices thereon or on lands adjacent thereto;
- (c) prohibiting or regulating and licensing any display, exhibition or advertising thereon; and
- (d) providing for the issue of licences with respect to any of the foregoing uses, including the authorization of the issue of licences by such official or officials of the Metropolitan Corporation or of The Corporation of the City of Toronto as may be named in the by-law and for prescribing the fees for such licences.

Effect on
licences
issued by
Licensing
Commission

- (7) Where a by-law has been passed by the Metropolitan Council or the council of The Corporation of the City of Toronto prohibiting any of the uses set forth in clause *a*, *b* or *c* of subsection 6, any licence issued by the Metropolitan Licensing Commission respecting any such use shall not be effective to permit such use on any pedestrian promenade established under this section.

15.—(1) This Act, except sections 2, 6 and 11, comes into force ^{Commence-} on the day it receives Royal Assent._{ment}

(2) Sections 2, 6 and 11 come into force on the 1st day of ^{Idem} January, 1975.

16. This Act may be cited as *The Municipality of Metropolitan* ^{Short title} *Toronto Amendment Act, 1974.*

BILL 89

An Act to amend The Municipality
of Metropolitan Toronto Act

1st Reading

June 13th, 1974

2nd Reading

June 21st, 1974

3rd Reading

June 24th, 1974

THE HON. J. WHITE
Treasurer of Ontario and
Minister of Economics and
Intergovernmental Affairs

CA20N

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-B56

BILL 90

Government Bill

Government
Publications

4TH SESSION, 29TH LEGISLATURE, ONTARIO
23 ELIZABETH II, 1974

Legislative Assembly

**An Act to amend
The Regional Municipality of Sudbury Act, 1972**

THE HON. J. WHITE
Treasurer of Ontario and Minister of Economics
and Intergovernmental Affairs



TORONTO

PRINTED BY J. C. THATCHER, QUEEN'S PRINTER FOR ONTARIO

EXPLANATORY NOTES

SECTION 1. The effect of the re-enactment is to vary the composition of the councils of the area municipalities of Rayside-Balfour, Valley East and Walden; as well, the manner of selecting the representative on the Regional Council of each of those municipalities is changed. The details of the changes are the following:

1. Presently, the council of Rayside-Balfour consists of eight councillors elected by general vote; one member of the council, elected by the council, sits on the Regional Council. Under the re-enactment, the council will comprise six members, one of whom will be elected by general vote as a member of both the Regional Council and the town council and five of whom will be elected by general vote as members of the town council only.
2. Presently, the council of Valley East consists of six councillors elected by general vote; one member of the council, elected by the council, sits on the Regional Council. Under the re-enactment, the council will comprise six members, one of whom will be elected by general vote as a member of both the Regional Council and the town council and five of whom will be elected by general vote as members of the town council only.
3. Presently, the council of Walden consists of six councillors elected by wards; one member of the council, elected by the council, sits on the Regional Council. Under the re-enactment, the council will consist of seven members, one of whom will be elected by general vote as a member of both the Regional Council and the town council and six of whom will be elected by wards as members of the town council only.

**An Act to amend
The Regional Municipality of Sudbury Act, 1972**

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Subsection 1 of section 3 of *The Regional Municipality of Sudbury Act, 1972*, being chapter 104, is repealed and the following substituted therefor: ^{s. 3 (1), re-enacted}

(1) On and after the 1st day of January, 1975, the council ^{Composition of council} of each area municipality shall be composed of a mayor, who shall be elected by a general vote of the electors of the area municipality and shall be the head of the council, and the following number of other members of council:

1. The City of Sudbury—Nine aldermen elected by wards.
2. The Town of Capreol—Six councillors elected by wards.
3. The Town of Onaping Falls—Six councillors, one of whom shall be elected by general vote and five elected by wards.
4. The Town of Nickel Centre—Six councillors, one of whom shall be elected by general vote and five elected by wards.
5. The Town of Rayside-Balfour—Six councillors, one of whom shall be elected by general vote as a member of the council of such town and of the Regional Council and five of whom shall be elected by general vote as members of the council of such town.
6. The Town of Valley East—Six councillors, one of whom shall be elected by general vote as a member

of the council of such town and of the Regional Council and five of whom shall be elected by general vote as members of the council of such town.

7. The Town of Walden—Seven councillors, one of whom shall be elected by general vote as a member of the council of such town and of the Regional Council and six of whom shall be elected by wards as members of the council of such town.

s. 8 (1) (*d, e, f*),
re-enacted

2. Clauses *d, e* and *f* of subsection 1 of section 8 of the said Act are repealed and the following substituted therefor:

- (*d*) one member of the council of the area municipality of the Town of Rayside-Balfour who has been elected as a member of the Regional Council and of the council of such area municipality;
- (*e*) one member of the council of the area municipality of the Town of Valley East who has been elected as a member of the Regional Council and of the council of such area municipality;
- (*f*) one member of the council of the area municipality of the Town of Walden who has been elected as a member of the Regional Council and of the council of such area municipality.

s. 33 (3),
re-enacted

3. Subsection 3 of section 33 of the said Act is repealed and the following substituted therefor:

Planning
areas and
subsidiary
planning
areas
dissolved
R.S.O. 1970,
c. 349

- (3) All planning areas and subsidiary planning areas together with the boards thereof included in the Sudbury Planning Area on the 31st day of December, 1972, are hereby deemed to have been dissolved on such date, and no area municipality shall exercise any powers under *The Planning Act*.

Commence-
ment

4. This Act comes into force on the day it receives Royal Assent.
5. This Act may be cited as *The Regional Municipality of Sudbury Amendment Act, 1974*.

SECTION 2. Complementary to section 1 of the Bill in relation to the representation on the Regional Council of each of the three area municipalities.

SECTION 3. The subsection in its present form, as well as dissolving existing planning areas and boards, declares no area municipality to be a municipality for the purposes of *The Planning Act*. As restructured, area municipalities will continue to be municipalities under *The Planning Act* and thus exempt from the requirement of obtaining consents under section 29; the prohibition against their exercising any powers under the Act continues.

BILL 90

An Act to amend
The Regional Municipality of
Sudbury Act, 1972

1st Reading

June 13th, 1974

2nd Reading

3rd Reading

THE HON. J. WHITE
Treasurer of Ontario and
Minister of Economics and
Intergovernmental Affairs

(Government Bill)

BILL 90

CA20N

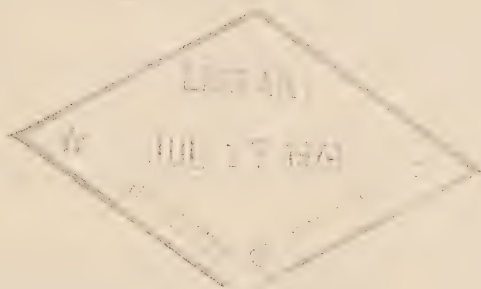
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-B 56

4TH SESSION, 29TH LEGISLATURE, ONTARIO
23 ELIZABETH II, 1974

**An Act to amend
The Regional Municipality of Sudbury Act, 1972**

THE HON. J. WHITE
Treasurer of Ontario and Minister of Economics
and Intergovernmental Affairs



TORONTO

PRINTED BY J. C. THATCHER, QUEEN'S PRINTER FOR ONTARIO



**An Act to amend
The Regional Municipality of Sudbury Act, 1972**

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Subsection 1 of section 3 of *The Regional Municipality of Sudbury Act, 1972*, being chapter 104, is repealed and the following substituted therefor:

(1) On and after the 1st day of January, 1975, the council of each area municipality shall be composed of a mayor, who shall be elected by a general vote of the electors of the area municipality and shall be the head of the council, and the following number of other members of council:

1. The City of Sudbury—Nine aldermen elected by wards.
2. The Town of Capreol—Six councillors elected by wards.
3. The Town of Onaping Falls—Six councillors, one of whom shall be elected by general vote and five elected by wards.
4. The Town of Nickel Centre—Six councillors, one of whom shall be elected by general vote and five elected by wards.
5. The Town of Rayside-Balfour—Six councillors, one of whom shall be elected by general vote as a member of the council of such town and of the Regional Council and five of whom shall be elected by general vote as members of the council of such town.
6. The Town of Valley East—Six councillors, one of whom shall be elected by general vote as a member

of the council of such town and of the Regional Council and five of whom shall be elected by general vote as members of the council of such town.

7. The Town of Walden—Seven councillors, one of whom shall be elected by general vote as a member of the council of such town and of the Regional Council and six of whom shall be elected by wards as members of the council of such town.

s. 8 (1) (*d, e, f*),
re-enacted

2. Clauses *d, e* and *f* of subsection 1 of section 8 of the said Act are repealed and the following substituted therefor:

- (*d*) one member of the council of the area municipality of the Town of Rayside-Balfour who has been elected as a member of the Regional Council and of the council of such area municipality;
- (*e*) one member of the council of the area municipality of the Town of Valley East who has been elected as a member of the Regional Council and of the council of such area municipality;
- (*f*) one member of the council of the area municipality of the Town of Walden who has been elected as a member of the Regional Council and of the council of such area municipality.

s. 33 (3),
re-enacted

3. Subsection 3 of section 33 of the said Act is repealed and the following substituted therefor:

(3) All planning areas and subsidiary planning areas together with the boards thereof included in the Sudbury Planning Area on the 31st day of December, 1972, are hereby deemed to have been dissolved on such date, and no area municipality shall exercise any powers under *The Planning Act*.

Planning
areas and
subsidiary
planning
areas
dissolved
R.S.O. 1970,
c. 349

Commence-
ment

4. This Act comes into force on the day it receives Royal Assent.
5. This Act may be cited as *The Regional Municipality of Sudbury Amendment Act, 1974*.

BILL 90

An Act to amend
The Regional Municipality of
Sudbury Act, 1972

1st Reading

June 13th, 1974

2nd Reading

June 24th, 1974

3rd Reading

June 24th, 1974

THE HON. J. WHITE
Treasurer of Ontario and
Minister of Economics and
Intergovernmental Affairs

CA20N

XB

-B 56

Government
Publications

BILL 91

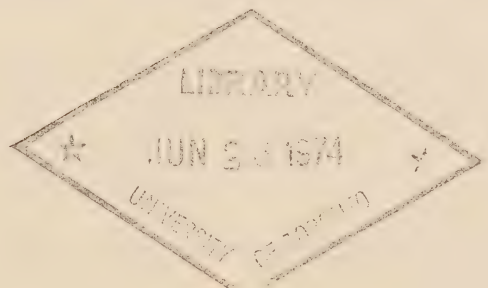
Government Bill

4TH SESSION, 29TH LEGISLATURE, ONTARIO
23 ELIZABETH II, 1974

Legislative Assembly

An Act to amend The Beef Cattle Marketing Act

THE HON. W. A. STEWART
Minister of Agriculture and Food



TORONTO

PRINTED BY J. C. THATCHER, QUEEN'S PRINTER FOR ONTARIO

EXPLANATORY NOTE

The Act at present provides for a maximum licence fee of 15 cents for each head of cattle that weighs 500 pounds or more live weight and 5 cents for each head that weighs less than 500 pounds.

The amendment provides for a maximum licence fee of 45 cents in the case of cattle weighing 500 pounds or more with the provision that the fee for cattle weighing less than 500 pounds will be 10 cents less.

The amendment further provides that no increase in fees in excess of 10 cents shall be made in any twelve month period.

An Act to amend The Beef Cattle Marketing Act

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

- 1.—(1) Clause *b* of subsection 1 of section 5 of *The Beef Cattle Marketing Act*, being chapter 42 of the Revised Statutes of Ontario, 1970, is repealed and the following substituted therefor:

(b) subject to subsection 4, fixing the amount of licence fees,

(i) up to but not exceeding 45 cents for each head of cattle that weighs 500 pounds or more live weight, and

(ii) in the case of a head of cattle that weighs less than 500 pounds live weight, at an amount that is 10 cents a head lower than the amount fixed under subclause i.

- (2) The said section 5 is amended by adding thereto the following subsection:

(4) No regulation increasing licence fees shall be made under clause *b* of subsection 1 where the regulation if made would result, on its coming into force, in a total increase, over the immediately preceding twelve month period, in excess of 10 cents for each head of cattle.

2. This Act comes into force on a day to be named by proclamation of the Lieutenant Governor.

3. This Act may be cited as *The Beef Cattle Marketing Amendment Act, 1974*.

An Act to amend
The Beef Cattle Marketing Act

1st Reading

June 13th, 1974

2nd Reading

3rd Reading

THE HON. W. A. STEWART
Minister of Agriculture and Food

(Government Bill)

CA20N

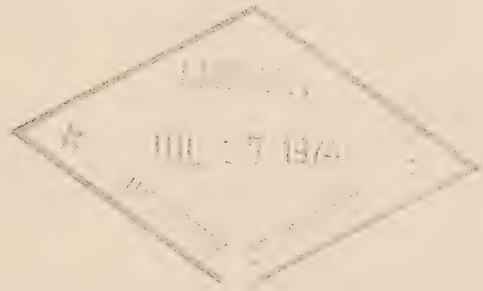
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-B 56

4TH SESSION, 29TH LEGISLATURE, ONTARIO
23 ELIZABETH II, 1974

An Act to amend The Beef Cattle Marketing Act

THE HON. W. A. STEWART
Minister of Agriculture and Food



TORONTO

PRINTED BY J. C. THATCHER, QUEEN'S PRINTER FOR ONTARIO

An Act to amend The Beef Cattle Marketing Act

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

- 1.—(1) Clause *b* of subsection 1 of section 5 of *The Beef Cattle Marketing Act*, being chapter 42 of the Revised Statutes of Ontario, 1970, is repealed and the following substituted therefor:

(b) subject to subsection 4, fixing the amount of licence fees,

(i) up to but not exceeding 45 cents for each head of cattle that weighs 500 pounds or more live weight, and

(ii) in the case of a head of cattle that weighs less than 500 pounds live weight, at an amount that is 10 cents a head lower than the amount fixed under subclause i.

- (2) The said section 5 is amended by adding thereto the following subsection:

(4) No regulation increasing licence fees shall be made under clause *b* of subsection 1 where the regulation if made would result, on its coming into force, in a total increase, over the immediately preceding twelve month period, in excess of 10 cents for each head of cattle.

2. This Act comes into force on a day to be named by proclamation of the Lieutenant Governor.

3. This Act may be cited as *The Beef Cattle Marketing Amendment Act, 1974*.

BILL 91

An Act to amend
The Beef Cattle Marketing Act

1st Reading

June 13th, 1974

2nd Reading

June 20th, 1974

3rd Reading

June 21st, 1974

THE HON. W. A. STEWART
Minister of Agriculture and Food

Ontario Legislature Assembly
CA20N

BILL 92

Government Bill

XB

-B 56

4TH SESSION, 29TH LEGISLATURE, ONTARIO
23 ELIZABETH II, 1974

**An Act respecting Fruits and
Vegetables Produce-for-Processing**

THE HON. W. A. STEWART
Minister of Agriculture and Food



TORONTO

PRINTED BY J. C. THATCHER, QUEEN'S PRINTER FOR ONTARIO

EXPLANATORY NOTE

The purpose of the proposed Act is to provide for the payment of licence fees by producers of fruit and vegetables that are sold to processors for processing into food products and for the expenditure of such fees to advance the practice of horticulture and the marketing of fruit and vegetables for processing.

BILL 92

1974

An Act respecting Fruits and Vegetables Produce-for-Processing

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. In this Act,

Interpreta-
tion

- (a) "Association" means The Ontario Fruit and Vegetable Growers' Association incorporated under *The Agricultural Associations Act*; R.S.O. 1970,
c. 8
- (b) "inspector" means an inspector appointed for the purposes of this Act;
- (c) "licence" means a licence issued under this Act;
- (d) "Minister" means the Minister of Agriculture and Food;
- (e) "plant" means a premises where produce is processed;
- (f) "processing" means the manufacture of food products, including juice, beverage spirits or wine from produce, and includes slicing or chopping, canning, bottling, distilling, fermenting, dehydrating, drying, freezing, pickling or processing with sugar or sulphur dioxide or any other chemical or by heat and combining or mixing any produce with any other kind of produce, and "processed" and "processor" have corresponding meanings;
- (g) "produce" means fruits or vegetables produced in Ontario other than fruits or vegetables that are used for any purpose other than processing;
- (h) "regulations" means the regulations made under this Act.

Purpose
and intent
of Act

2.—(1) The purpose and intent of this Act is to provide for the financing of the Association so it may expend moneys to advance the practice of horticulture in all its branches and improve the marketing of produce by,

- (a) holding meetings for the consideration of questions relating to such practice or marketing;
- (b) co-operating with organizations of growers of agricultural products;
- (c) collecting, arranging, assembling and disseminating information;
- (d) stimulating, increasing and improving the sale of produce in Ontario through advertising, education, research and other means; and
- (e) making representations to all levels of government and to agencies of government and to the Canadian Horticultural Council.

Use of
licence
fees by
Association

(2) The Association may use licence fees paid to it under this Act for defraying the expenses of the Association in doing any thing referred to in subsection 1 and in carrying out its objects.

Licences

3.—(1) Except under the authority of a licence, no person shall sell produce to a processor.

Idem

(2) Every person who sells produce to a processor shall be deemed to be the holder of a licence, except when in default of payment of licence fees prescribed under this Act.

Refund
of licence
fees

(3) Every person who is the holder of a licence under this section may apply for a refund of any licence fees paid by him to the Association under this Act.

Idem

(4) Every application for a refund shall be made in the manner prescribed in the regulations.

Idem

(5) Where the Association receives an application for a refund, it shall refund the licence fees in the manner prescribed in the regulations, and, in any case, not later than six months after receipt of the application therefor.

Producer-
processor

(6) Any person who is a producer and processor is entitled in his respective capacities as a producer and as a processor to all the rights and privileges and is subject to all the duties and obligations of a producer and of a processor.

(7) Any person who is a producer and a processor shall ^{Idem} be deemed to have received in his capacity as a processor from himself in his capacity as a producer the produce produced by him that he processes and to have contracted in that capacity with himself in his capacity as a producer for the marketing thereof upon the condition that this Act and the regulations apply.

4. Where the board of directors of the Association is of ^{Recommendations by directors of Association} the opinion that a majority of the members of the Association are in favour thereof, the board of directors may recommend through the Minister to the Lieutenant Governor in Council the making, amending or revoking of regulations respecting any of the matters set forth in section 5.

5.—(1) Notwithstanding section 4, the Lieutenant Governor ^{Regulations} in Council may make regulations,

- (a) fixing the amount of licence fees up to but not exceeding three-tenths of 1 per cent of the sale price of produce;
- (b) requiring persons to pay licence fees owing by them;
- (c) requiring any person who operates a plant and who receives produce from a seller thereof to deduct, from the moneys payable to the seller, any licence fee payable by the seller to the Association, and to forward such licence fees to the Association;
- (d) providing for the recovery by the Association of licence fees owing to the Association by suit in a court of competent jurisdiction;
- (e) prescribing the manner in which applications for refund of licence fees shall be made and the manner in which refunds shall be made;
- (f) providing for the exemption from any or all of the regulations of any produce or class of produce or any person or class of persons;
- (g) prescribing the duties of inspectors;
- (h) prescribing forms and providing for their use.

(2) Any regulation may be limited as to time or place, ^{Application of regulations} or to both.

- Definitions (3) Any word or expression used in a regulation may be defined in the regulation for the purposes of the regulation.
- Appointment of inspectors **6.** The Lieutenant Governor in Council may appoint inspectors for the purposes of this Act.
- Powers of inspector **7.**—(1) For the purpose of enforcing this Act and the regulations, an inspector may enter during normal business hours any premises, other than a dwelling, that he has reason to believe is a plant or an office used in connection therewith.
- Production of documents (2) For the purpose of enforcing this Act and the regulations, an inspector may demand the production or furnishing by the owner or custodian thereof of any books, records, documents or extracts therefrom, in a place referred to in subsection 1, relating to produce.
- Idem (3) Where an inspector demands the production or furnishing of books, records, documents or extracts therefrom, the person having custody thereof shall produce or furnish them to the inspector, and the inspector may detain them for the purpose of photocopying them, provided such photocopying is carried out with reasonable dispatch, and the inspector shall forthwith thereafter return them to the person who produced or furnished them.
- Photocopy as evidence (4) Where a book, record, document or extract has been photocopied under subsection 3, a photocopy purporting to be certified by an inspector to be a copy made pursuant to subsection 3 is admissible in evidence, and has the same probative force as the original document would have had if it had been proven in the ordinary way.
- Demand to be in writing (5) Where an inspector makes a demand under subsection 2, the demand shall be in writing and shall include a statement of the nature of the investigation, and the general nature of the books, records, documents or extracts required.
- Obstruction of inspector (6) No person shall hinder or obstruct an inspector in the course of his duties or furnish him with false information or refuse to furnish him with information.
- Certificate of appointment of inspector **8.** The production by an inspector of a certificate of his appointment purporting to be signed by the Minister is admissible in evidence as *prima facie* proof of the facts stated in the certificate and of the authority of the inspector to exercise the powers and perform the duties prescribed in this Act and the regulations.
- Offences **9.** Every person who contravenes any of the provisions of this Act or the regulations is guilty of an offence and on

summary conviction is liable for a first offence to a fine of not more than \$100 and for a subsequent offence to a fine of not more than \$500.

10. This Act comes into force on a day to be named by ^{Commence-} proclamation of the Lieutenant Governor._{ment}

11. This Act may be cited as *The Fruits and Vegetables* ^{Short title} *Produce-for-Processing Act, 1974.*

An Act respecting
Fruits and Vegetables
Produce-for-Processing

1st Reading

June 13th, 1974

2nd Reading

3rd Reading

THE HON. W. A. STEWART
Minister of Agriculture and Food

(Government Bill)

CA20N

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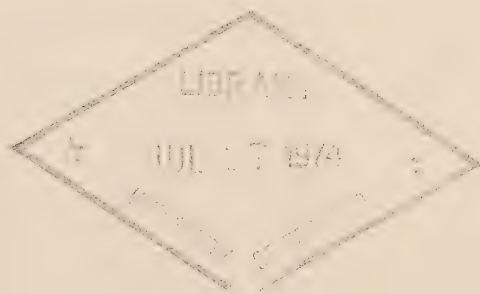
BILL 92

Government
Publications

4TH SESSION, 29TH LEGISLATURE, ONTARIO
23 ELIZABETH II, 1974

**An Act respecting Fruits and
Vegetables Produce-for-Processing**

THE HON. W. A. STEWART
Minister of Agriculture and Food



TORONTO

PRINTED BY J. C. THATCHER, QUEEN'S PRINTER FOR ONTARIO

An Act respecting Fruits and Vegetables Produce-for-Processing

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. In this Act,

Interpreta-
tion

- (a) "Association" means The Ontario Fruit and Vegetable Growers' Association incorporated under *The Agricultural Associations Act*; R.S.O. 1970,
c. 8
- (b) "inspector" means an inspector appointed for the purposes of this Act;
- (c) "licence" means a licence issued under this Act;
- (d) "Minister" means the Minister of Agriculture and Food;
- (e) "plant" means a premises where produce is processed;
- (f) "processing" means the manufacture of food products, including juice, beverage spirits or wine from produce, and includes slicing or chopping, canning, bottling, distilling, fermenting, dehydrating, drying, freezing, pickling or processing with sugar or sulphur dioxide or any other chemical or by heat and combining or mixing any produce with any other kind of produce, and "processed" and "processor" have corresponding meanings;
- (g) "produce" means fruits or vegetables produced in Ontario other than fruits or vegetables that are used for any purpose other than processing;
- (h) "regulations" means the regulations made under this Act.

Purpose
and intent
of Act

2.—(1) The purpose and intent of this Act is to provide for the financing of the Association so it may expend moneys to advance the practice of horticulture in all its branches and improve the marketing of produce by,

- (a) holding meetings for the consideration of questions relating to such practice or marketing;
- (b) co-operating with organizations of growers of agricultural products;
- (c) collecting, arranging, assembling and disseminating information;
- (d) stimulating, increasing and improving the sale of produce in Ontario through advertising, education, research and other means; and
- (e) making representations to all levels of government and to agencies of government and to the Canadian Horticultural Council.

Use of
licence
fees by
Association

(2) The Association may use licence fees paid to it under this Act for defraying the expenses of the Association in doing any thing referred to in subsection 1 and in carrying out its objects.

Licences

3.—(1) Except under the authority of a licence, no person shall sell produce to a processor.

Idem

(2) Every person who sells produce to a processor shall be deemed to be the holder of a licence, except when in default of payment of licence fees prescribed under this Act.

Refund
of licence
fees

(3) Every person who is the holder of a licence under this section may apply for a refund of any licence fees paid by him to the Association under this Act.

Idem

(4) Every application for a refund shall be made in the manner prescribed in the regulations.

Idem

(5) Where the Association receives an application for a refund, it shall refund the licence fees in the manner prescribed in the regulations, and, in any case, not later than six months after receipt of the application therefor.

Producer-
processor

(6) Any person who is a producer and processor is entitled in his respective capacities as a producer and as a processor to all the rights and privileges and is subject to all the duties and obligations of a producer and of a processor.

(7) Any person who is a producer and a processor shall ^{Idem} be deemed to have received in his capacity as a processor from himself in his capacity as a producer the produce produced by him that he processes and to have contracted in that capacity with himself in his capacity as a producer for the marketing thereof upon the condition that this Act and the regulations apply.

4. Where the board of directors of the Association is of ^{Recommendations by directors of Association} the opinion that a majority of the members of the Association are in favour thereof, the board of directors may recommend through the Minister to the Lieutenant Governor in Council the making, amending or revoking of regulations respecting any of the matters set forth in section 5.

5.—(1) Notwithstanding section 4, the Lieutenant Governor ^{Regulations} in Council may make regulations,

- (a) fixing the amount of licence fees up to but not exceeding three-tenths of 1 per cent of the sale price of produce;
- (b) requiring persons to pay licence fees owing by them;
- (c) requiring any person who operates a plant and who receives produce from a seller thereof to deduct, from the moneys payable to the seller, any licence fee payable by the seller to the Association, and to forward such licence fees to the Association;
- (d) providing for the recovery by the Association of licence fees owing to the Association by suit in a court of competent jurisdiction;
- (e) prescribing the manner in which applications for refund of licence fees shall be made and the manner in which refunds shall be made;
- (f) providing for the exemption from any or all of the regulations of any produce or class of produce or any person or class of persons;
- (g) prescribing the duties of inspectors;
- (h) prescribing forms and providing for their use.

(2) Any regulation may be limited as to time or place, ^{Application of regulations} or to both.

Definitions	(3) Any word or expression used in a regulation may be defined in the regulation for the purposes of the regulation.
Appointment of inspectors	6. The Lieutenant Governor in Council may appoint inspectors for the purposes of this Act.
Powers of inspector	7.—(1) For the purpose of enforcing this Act and the regulations, an inspector may enter during normal business hours any premises, other than a dwelling, that he has reason to believe is a plant or an office used in connection therewith.
Production of documents	(2) For the purpose of enforcing this Act and the regulations, an inspector may demand the production or furnishing by the owner or custodian thereof of any books, records, documents or extracts therefrom, in a place referred to in subsection 1, relating to produce.
Idem	(3) Where an inspector demands the production or furnishing of books, records, documents or extracts therefrom, the person having custody thereof shall produce or furnish them to the inspector, and the inspector may detain them for the purpose of photocopying them, provided such photocopying is carried out with reasonable dispatch, and the inspector shall forthwith thereafter return them to the person who produced or furnished them.
Photocopy as evidence	(4) Where a book, record, document or extract has been photocopied under subsection 3, a photocopy purporting to be certified by an inspector to be a copy made pursuant to subsection 3 is admissible in evidence, and has the same probative force as the original document would have had if it had been proven in the ordinary way.
Demand to be in writing	(5) Where an inspector makes a demand under subsection 2, the demand shall be in writing and shall include a statement of the nature of the investigation, and the general nature of the books, records, documents or extracts required.
Obstruction of inspector	(6) No person shall hinder or obstruct an inspector in the course of his duties or furnish him with false information or refuse to furnish him with information.
Certificate of appointment of inspector	8. The production by an inspector of a certificate of his appointment purporting to be signed by the Minister is admissible in evidence as <i>prima facie</i> proof of the facts stated in the certificate and of the authority of the inspector to exercise the powers and perform the duties prescribed in this Act and the regulations.
Offences	9. Every person who contravenes any of the provisions of this Act or the regulations is guilty of an offence and on

summary conviction is liable for a first offence to a fine of not more than \$100 and for a subsequent offence to a fine of not more than \$500.

10. This Act comes into force on a day to be named by ^{Commence-}proclamation of the Lieutenant Governor.^{ment}

11. This Act may be cited as *The Fruits and Vegetables* ^{Short title}
Produce-for-Processing Act, 1974.

An Act respecting
Fruits and Vegetables
Produce-for-Processing

1st Reading

June 13th, 1974

2nd Reading

June 25th, 1974

3rd Reading

June 25th, 1974

THE HON. W. A. STEWART
Minister of Agriculture and Food

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Government
Publications

BILL 93

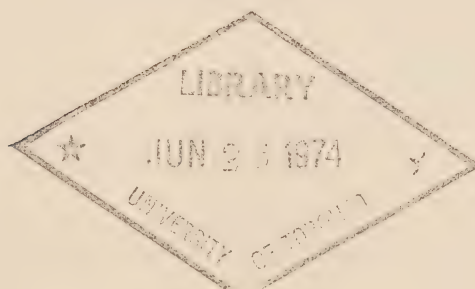
Government Bill

4TH SESSION, 29TH LEGISLATURE, ONTARIO
23 ELIZABETH II, 1974

Legislative Assembly

An Act respecting the Marketing of Wool

THE HON. W. A. STEWART
Minister of Agriculture and Food



TORONTO

PRINTED BY J. C. THATCHER, QUEEN'S PRINTER FOR ONTARIO

EXPLANATORY NOTE

The purpose of the proposed Act is to provide for the payment of licence fees by producers of wool and the expenditure of such fees to advance the production of sheep and wool and the marketing of wool.

BILL 93

1974

An Act respecting the Marketing of Wool

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. In this Act,

Interpreta-
tion

- (a) "Association" means The Ontario Sheep Association incorporated under *The Agricultural Associations Act*; R.S.O. 1970,
c. 8
- (b) "buyer" means a person engaged in buying wool from producers of wool in Ontario;
- (c) "inspector" means an inspector appointed for the purposes of this Act;
- (d) "licence" means a licence issued under this Act;
- (e) "Minister" means the Minister of Agriculture and Food;
- (f) "regulations" means the regulations made under this Act.

2.—(1) The purpose and intent of this Act is to provide ^{Purpose and intent of Act} for the financing of the Association so it may expend moneys to advance the production of sheep and wool in all its branches and improve the marketing of wool by,

- (a) holding meetings for the consideration of questions relating to the production of sheep and wool and the marketing of wool;
- (b) co-operating with organizations of producers of agricultural products;
- (c) collecting, arranging, assembling and disseminating information;

(d) stimulating, increasing and improving the sale of wool in Ontario through advertising, education, research and other means; and

(e) making representations to all levels of government and to agencies of government.

Use of
licence
fees by
Association

(2) The Association may use licence fees paid to it under this Act for defraying the expenses of the Association in doing any thing referred to in subsection 1 and in carrying out its objects.

Licences

3.—(1) Except under the authority of a licence, no person shall sell wool to a buyer.

Idem

(2) Every person who sells wool to a buyer shall be deemed to be the holder of a licence, except when in default of payment of licence fees prescribed under this Act.

Refund of
licence
fees

(3) Every person who is the holder of a licence under this section may apply for a refund of any licence fees paid by him to the Association under this Act.

Idem

(4) Every application for a refund shall be made in the manner prescribed in the regulations.

Idem

(5) Where the Association receives an application for a refund, it shall refund the licence fees in the manner prescribed in the regulations, and, in any case, not later than six months after receipt of the application therefor.

Producer-
buyer

(6) Any person who is a producer and buyer is entitled in his respective capacities as a producer and as a buyer to all the rights and privileges and is subject to all the duties and obligations of a producer and of a buyer.

Idem

(7) Any person who is a producer and a buyer shall be deemed to have received in his capacity as a buyer from himself in his capacity as a producer the wool produced by him that he buys, and to have contracted in that capacity with himself in his capacity as a producer for the marketing thereof upon the condition that this Act and the regulations thereunder apply.

Recommendations by
directors of
Association

4. Where the board of directors of the Association is of the opinion that a majority of the members of the Association are in favour thereof, the board of directors may recommend through the Minister to the Lieutenant

Governor in Council the making, amending or revoking of regulations respecting any of the matters set forth in section 5.

5.—(1) Notwithstanding section 4, the Lieutenant Governor in Council may make regulations, ^{Regulations}

- (a) fixing the amount of licence fees up to but not exceeding 5 cents per pound of wool;
- (b) requiring persons to pay licence fees owing by them;
- (c) requiring any buyer who receives wool from a seller thereof to deduct, from the moneys payable to the seller, any licence fee payable by the seller to the Association, and to forward such licence fees to the Association;
- (d) providing for the recovery by the Association of licence fees owing to the Association by suit in a court of competent jurisdiction;
- (e) prescribing the manner in which applications for refund of licence fees shall be made and the manner in which refunds shall be made;
- (f) providing for the exemption from any or all of the regulations of any wool or class thereof or any person or class of persons;
- (g) prescribing the duties of inspectors;
- (h) prescribing forms and providing for their use.

(2) Any regulation may be limited as to time or place, ^{Application of regulations} or to both.

(3) Any word or expression used in a regulation may ^{Definitions} be defined in the regulation for the purposes of the regulation.

6. The Lieutenant Governor in Council may appoint ^{Appointment of inspectors} inspectors for the purposes of this Act.

7.—(1) For the purpose of enforcing this Act and the ^{Powers of inspector} regulations, an inspector may enter any premises, other than a dwelling, that he has reason to believe is used by a buyer for receiving, assembling or storing wool or an office used in connection therewith during normal business hours.

- Production of documents (2) For the purpose of enforcing this Act and the regulations, an inspector may demand the production or furnishing by the owner or custodian thereof of any books, records, documents or extracts therefrom, in a place referred to in subsection 1, relating to wool.
- Idem (3) Where an inspector demands the production or furnishing of books, records, documents or extracts therefrom, the person having custody thereof shall produce or furnish them to the inspector, and the inspector may detain them for the purpose of photocopying them, provided such photocopying is carried out with reasonable dispatch and the inspector shall forthwith thereafter return them to the person who produced or furnished them.
- Photocopy as evidence (4) Where a book, record, document or extract has been photocopied under subsection 3, a photocopy purporting to be certified by an inspector to be a copy made pursuant to subsection 3 is admissible in evidence, and has the same probative force as the original document would have had if it had been proven in the ordinary way.
- Demand to be in writing (5) Where an inspector makes a demand under subsection 2, the demand shall be in writing and shall include a statement of the nature of the investigation, and the general nature of the books, records, documents or extracts required.
- Obstruction of inspector (6) No person shall hinder or obstruct an inspector in the course of his duties or furnish him with false information or refuse to furnish him with information relating to the duties of the inspector under this section.
- Certificate of appointment of inspector **8.** The production by an inspector of a certificate of his appointment purporting to be signed by the Minister is admissible in evidence as *prima facie* proof of the facts stated in the certificate, and of the authority of the inspector to exercise the powers and perform the duties prescribed in this Act and the regulations.
- Offences **9.** Every person who contravenes any of the provisions of this Act or the regulations is guilty of an offence and on summary conviction is liable for a first offence to a fine of not more than \$100 and for a subsequent offence to a fine of not more than \$500.
- Commencement **10.** This Act comes into force on a day to be named by proclamation of the Lieutenant Governor.
- Short title **11.** This Act may be cited as *The Wool Marketing Act, 1974*.

BILL 93

An Act respecting
the Marketing of Wool

1st Reading

June 13th, 1974

2nd Reading

3rd Reading

THE HON. W. A. STEWART
Minister of Agriculture and Food

(Government Bill)

BILL 93

CA20N

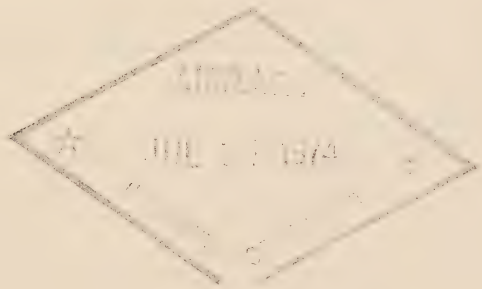
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4TH SESSION, 29TH LEGISLATURE, ONTARIO
23 ELIZABETH II, 1974

An Act respecting the Marketing of Wool

THE HON. W. A. STEWART
Minister of Agriculture and Food



TORONTO

PRINTED BY J. C. THATCHER, QUEEN'S PRINTER FOR ONTARIO

BILL 93

1974

An Act respecting the Marketing of Wool

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. In this Act,

Interpreta-
tion

- (a) "Association" means The Ontario Sheep Association incorporated under *The Agricultural Associations Act*; R.S.O. 1970, c. 8
- (b) "buyer" means a person engaged in buying wool from producers of wool in Ontario;
- (c) "inspector" means an inspector appointed for the purposes of this Act;
- (d) "licence" means a licence issued under this Act;
- (e) "Minister" means the Minister of Agriculture and Food;
- (f) "regulations" means the regulations made under this Act.

2.—(1) The purpose and intent of this Act is to provide Purpose and intent of Act for the financing of the Association so it may expend moneys to advance the production of sheep and wool in all its branches and improve the marketing of wool by,

- (a) holding meetings for the consideration of questions relating to the production of sheep and wool and the marketing of wool;
- (b) co-operating with organizations of producers of agricultural products;
- (c) collecting, arranging, assembling and disseminating information;

(d) stimulating, increasing and improving the sale of wool in Ontario through advertising, education, research and other means; and

(e) making representations to all levels of government and to agencies of government.

Use of
licence
fees by
Association

(2) The Association may use licence fees paid to it under this Act for defraying the expenses of the Association in doing any thing referred to in subsection 1 and in carrying out its objects.

Licences

3.—(1) Except under the authority of a licence, no person shall sell wool to a buyer.

Idem

(2) Every person who sells wool to a buyer shall be deemed to be the holder of a licence, except when in default of payment of licence fees prescribed under this Act.

Refund of
licence
fees

(3) Every person who is the holder of a licence under this section may apply for a refund of any licence fees paid by him to the Association under this Act.

Idem

(4) Every application for a refund shall be made in the manner prescribed in the regulations.

Idem

(5) Where the Association receives an application for a refund, it shall refund the licence fees in the manner prescribed in the regulations, and, in any case, not later than six months after receipt of the application therefor.

Producer-
buyer

(6) Any person who is a producer and buyer is entitled in his respective capacities as a producer and as a buyer to all the rights and privileges and is subject to all the duties and obligations of a producer and of a buyer.

Idem

(7) Any person who is a producer and a buyer shall be deemed to have received in his capacity as a buyer from himself in his capacity as a producer the wool produced by him that he buys, and to have contracted in that capacity with himself in his capacity as a producer for the marketing thereof upon the condition that this Act and the regulations thereunder apply.

Recommendations by
directors of
Association

4. Where the board of directors of the Association is of the opinion that a majority of the members of the Association are in favour thereof, the board of directors may recommend through the Minister to the Lieutenant

Governor in Council the making, amending or revoking of regulations respecting any of the matters set forth in section 5.

5.—(1) Notwithstanding section 4, the Lieutenant Governor ^{Regulations} nor in Council may make regulations,

- (a) fixing the amount of licence fees up to but not exceeding 5 cents per pound of wool;
- (b) requiring persons to pay licence fees owing by them;
- (c) requiring any buyer who receives wool from a seller thereof to deduct, from the moneys payable to the seller, any licence fee payable by the seller to the Association, and to forward such licence fees to the Association;
- (d) providing for the recovery by the Association of licence fees owing to the Association by suit in a court of competent jurisdiction;
- (e) prescribing the manner in which applications for refund of licence fees shall be made and the manner in which refunds shall be made;
- (f) providing for the exemption from any or all of the regulations of any wool or class thereof or any person or class of persons;
- (g) prescribing the duties of inspectors;
- (h) prescribing forms and providing for their use.

(2) Any regulation may be limited as to time or place, ^{Application of regulations} or to both.

(3) Any word or expression used in a regulation may ^{Definitions} be defined in the regulation for the purposes of the regulation.

6. The Lieutenant Governor in Council may appoint ^{Appointment of inspectors} inspectors for the purposes of this Act.

7.—(1) For the purpose of enforcing this Act and the ^{Powers of inspector} regulations, an inspector may enter any premises, other than a dwelling, that he has reason to believe is used by a buyer for receiving, assembling or storing wool or an office used in connection therewith during normal business hours.

Production
of documents

(2) For the purpose of enforcing this Act and the regulations, an inspector may demand the production or furnishing by the owner or custodian thereof of any books, records, documents or extracts therefrom, in a place referred to in subsection 1, relating to wool.

Idem

(3) Where an inspector demands the production or furnishing of books, records, documents or extracts therefrom, the person having custody thereof shall produce or furnish them to the inspector, and the inspector may detain them for the purpose of photocopying them, provided such photocopying is carried out with reasonable dispatch and the inspector shall forthwith thereafter return them to the person who produced or furnished them.

Photocopy
as evidence

(4) Where a book, record, document or extract has been photocopied under subsection 3, a photocopy purporting to be certified by an inspector to be a copy made pursuant to subsection 3 is admissible in evidence, and has the same probative force as the original document would have had if it had been proven in the ordinary way.

Demand to
be in
writing

(5) Where an inspector makes a demand under subsection 2, the demand shall be in writing and shall include a statement of the nature of the investigation, and the general nature of the books, records, documents or extracts required.

Obstruction
of inspector

(6) No person shall hinder or obstruct an inspector in the course of his duties or furnish him with false information or refuse to furnish him with information relating to the duties of the inspector under this section.

Certificate
of appoint-
ment of
inspector

8. The production by an inspector of a certificate of his appointment purporting to be signed by the Minister is admissible in evidence as *prima facie* proof of the facts stated in the certificate, and of the authority of the inspector to exercise the powers and perform the duties prescribed in this Act and the regulations.

Offences

9. Every person who contravenes any of the provisions of this Act or the regulations is guilty of an offence and on summary conviction is liable for a first offence to a fine of not more than \$100 and for a subsequent offence to a fine of not more than \$500.

Commence-
ment

10. This Act comes into force on a day to be named by proclamation of the Lieutenant Governor.

Short title

11. This Act may be cited as *The Wool Marketing Act, 1974*.

BILL 93

An Act respecting
the Marketing of Wool

1st Reading

June 13th, 1974

2nd Reading

June 25th, 1974

3rd Reading

June 25th, 1974

THE HON. W. A. STEWART
Minister of Agriculture and Food

Ontario
~~CA~~20N

XB

-B 56

Legislative Assembly

Government
Publications

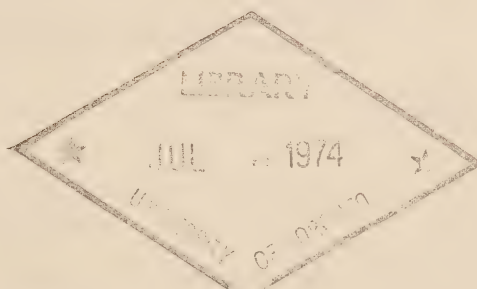
BILL 94

Private Member's Bill

4TH SESSION, 29TH LEGISLATURE, ONTARIO
23 ELIZABETH II, 1974

**An Act to amend
The Ministry of Government Services Act, 1973**

MR. BURR



TORONTO

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EXPLANATORY NOTE

The purpose of the Bill is to ensure that handicapped persons are employed by all persons with whom the Government enters into contracts or agreements exceeding \$2,500.

BILL 94

1974

An Act to amend The Ministry of Government Services Act, 1973

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Section 10 of *The Ministry of Government Services Act, 1973*, ^{s. 10, amended} being chapter 2, is amended by adding thereto the following subsection:

(2) Notwithstanding subsection 1, where the amount of a ^{Handicapped persons to be employed} contract or agreement under subsection 1 is greater than \$2,500, the Minister shall not enter into the contract or agreement unless the person with whom the Minister is entering into the contract or agreement,

(a) has in his employ the percentage of handicapped persons prescribed by the regulations; and

(b) proves to the satisfaction of the Minister that he is carrying on a positive program of promotion and training for handicapped persons in his employ.

2. Section 17 of the said Act is amended by adding thereto the ^{s. 17, amended} following clauses:

(d) defining "handicapped persons" for the purposes of this Act and the regulations;

(e) prescribing the percentage of handicapped persons required to be employed under subsection 2 of section 10 in a particular class of employment.

3. This Act comes into force on the day it receives Royal Assent. ^{Commence-}
^{ment}
4. This Act may be cited as *The Ministry of Government Services* ^{Short title}
Amendment Act, 1974.

An Act to amend The Ministry of
Government Services Act, 1973

1st Reading

June 13th, 1974

2nd Reading

3rd Reading

MR. BURR

(Private Member's Bill)

CA20N

Publications

XB

BILL 95

Government Bill

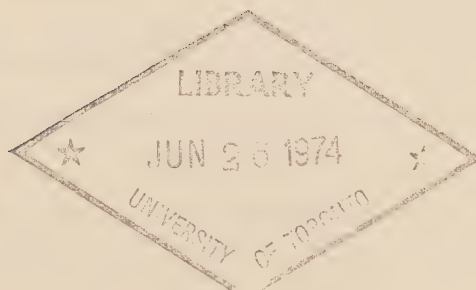
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4TH SESSION, 29TH LEGISLATURE, ONTARIO
23 ELIZABETH II, 1974

Legislative Assembly

An Act to restructure the County of Oxford

THE HON. J. WHITE
Treasurer of Ontario and Minister of Economics
and Intergovernmental Affairs



TORONTO

PRINTED BY J. C. THATCHER, QUEEN'S PRINTER FOR ONTARIO

EXPLANATORY NOTE .

The Bill provides for the restructuring of the County of Oxford. Annexations and amalgamations will reduce the existing eighteen local municipalities to eight area municipalities. The County will function as an upper tier municipality and the Bill provides for the allocation of responsibilities between the County on the one hand and the area municipalities on the other.

The Bill is divided into ten Parts:

PART I — Area municipalities.

PART II — Establishment of the County Council.

PART III — County Road System.

PART IV — Planning.

PART V — Health and Welfare Services.

PART VI — Police.

PART VII — County Waterworks System.

PART VIII — County Sewage Works.

PART IX — Finances.

PART X — General.

An Act to restructure the County of Oxford

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

INTERPRETATION

1. In this Act,

Interpre-
tation

- (a) “area municipality” means the municipality or corporation of the City of Woodstock, the Town of Ingersoll, the Town of Tillsonburg and the Township of Blandford-Blenheim and such other municipalities as constituted by section 2;
- (b) “bridge” means a public bridge, and includes a bridge forming part of a highway or on, over, under or across which a highway passes;
- (c) “County” means the County of Oxford;
- (d) “County Council” means the council of the County;
- (e) “county road” means a road forming part of the county road system established under Part III;
- (f) “debt” includes any obligation for the payment of money;
- (g) “divided municipality” means a local municipality parts of which are annexed to two or more municipalities under subsection 1 of section 2;
- (h) “highway” and “road” means a common and public highway or any part thereof, and include a street, bridge, and any other structure incidental thereto or any part thereof;

- (i) "land" includes lands, tenements and hereditaments and any estate or interest therein, and any right or easement affecting them, and land covered with water, and includes any buildings or improvements on land;
- (j) "local board" means any school board, public utility commission, transportation commission, public library board, board of park management, local board of health, board of commissioners of police, planning board or any other board, commission, committee, body or local authority established or exercising any power or authority under any general or special Act with respect to any of the affairs or purposes, including school purposes, of the area municipality or of two or more area municipalities or parts thereof;
- (k) "local municipality" means in the year 1974 any local municipality or portion thereof in the County;
- (l) "merged area" means a local municipality that is amalgamated with another local municipality or a part of a local municipality that is annexed to a local municipality to constitute an area municipality under subsection 1 of section 2 or the local municipality to which such part is annexed;
- (m) "Minister" means the Treasurer of Ontario and Minister of Economics and Intergovernmental Affairs;
- (n) "Ministry" means the Ministry of Treasury, Economics and Intergovernmental Affairs;
- (o) "money by-law" means a by-law for contracting a debt or obligation or for borrowing money;
- (p) "Municipal Board" means the Ontario Municipal Board;
- (q) "roadway" means that part of the highway designed or intended for use by vehicular traffic.

PART I

AREA MUNICIPALITIES

Constitution
of area muni-
cipalities

2.—(1) On the 1st day of January, 1975,

- (a) the City of Woodstock is continued as a city municipality;

- (b) the Town of Ingersoll is continued as a town municipality;
- (c) the Town of Tillsonburg is continued as a town municipality and portions of the Township of Dereham described as follows are annexed to such town:

FIRSTLY, part of the Township of Dereham, commencing at the south east angle of the Township of Dereham;

THENCE northerly along the east boundary of the Township of Dereham to the north limit of the road allowance between concessions XI and XII;

THENCE westerly along the north limit of the road allowance between concessions XI and XII to the boundary of the Town of Tillsonburg;

THENCE following the boundaries between the Township of Dereham and the Town of Tillsonburg to the south boundary of the said Township;

THENCE easterly along the south boundary of the Township of Dereham to the point of commencement;

SECONDLY, part of the Township of Dereham, commencing at the intersection of the south boundary of the Township of Dereham and the southerly prolongation of the west limit of Lot 8 in Concession XII;

THENCE northerly along the west limit of Lot 8 in concessions XII, XI and X, respectively, to the centre line of Concession X;

THENCE easterly along the centre line of Concession X to the east limit of Lot 3 in Concession X;

THENCE southerly along the east limit of Lot 3 in Concession X and its prolongation to an angle in the Town of Tillsonburg;

THENCE westerly and southerly following the boundaries between the Township of Dereham and the Town of Tillsonburg to the south boundary of the Township of Dereham;

THENCE westerly along the south boundary of the Township of Dereham to the point of commencement.

- (d) The Corporation of the Township of Blandford and The Corporation of the Township of Blenheim are amalgamated as a township municipality bearing the name of The Corporation of the Township of Blandford-Blenheim.
- (e) The Corporation of the Township of East Zorra and The Corporation of the Village of Tavistock are amalgamated as a township municipality and the portion of the Township of North Oxford described as follows, is annexed to such Township:

COMMENCING at the intersection of the north boundary of the Township of North Oxford and the northerly prolongation of the west limit of Lot 26 in Concession I;

THENCE southerly to and along the west limit of Lot 26 in Concession I and its prolongation to the middle of the main channel of the Thames River;

THENCE easterly along the middle of the main channel of the Thames River to the west boundary of the City of Woodstock;

THENCE following the boundaries between the Township of North Oxford and the City of Woodstock to the north boundary of the Township of North Oxford;

THENCE westerly along the north boundary of the Township of North Oxford to the point of commencement.

- (f) The Corporation of the Township of East Nissouri, The Corporation of the Village of Embro and The Corporation of the Township of West Zorra are amalgamated as a township municipality and the portion of the Township of North Oxford, described as follows, is annexed to such Township:

COMMENCING at the northwest angle of the Township of North Oxford;

THENCE southerly along the west boundary of the Township of North Oxford and its prolongation in accordance with subsection 1 of section 11 of *The Territorial Division Act*, being chapter 458 of the Revised Statutes of Ontario, 1970, to the middle of the main channel of the Thames River;

THENCE easterly along the middle of the main channel of the Thames River to the west boundary of the separated Town of Ingersoll;

THENCE following the boundaries between the Township of North Oxford and the separated Town of Ingersoll to the middle of the main channel of the Thames River;

THENCE easterly along the middle of the main channel of the Thames River to the boundary of the Village of Beachville;

THENCE following the boundaries between the Township of North Oxford and the Village of Beachville to the middle of the main channel of the Thames River;

THENCE easterly along the middle of the main channel of the Thames River to the southerly prolongation of the east limit of Lot 25 in Concession I of the Township of North Oxford;

THENCE northerly to and along the east limit of said Lot 25 and its prolongation to the north boundary of the Township of North Oxford;

THENCE westerly along the north boundary of the Township of North Oxford to the point of commencement.

- (g) The Corporation of the Township of East Oxford, The Corporation of the Township of North Norwich, The Corporation of the Village of Norwich and The Corporation of the Township of South Norwich are amalgamated as a township municipality.
- (h) The Corporation of the Village of Beachville and The Corporation of the Township of West Oxford are amalgamated as a township municipality, and the portion of the Township of Dereham, described as follows, is annexed to such Township:

COMMENCING at the intersection of the east boundary of the Township of Dereham and the north limit of the road allowance between concessions XI and XII;

THENCE westerly along the north limit of the road allowance between concessions XI and XII to the boundary of the Town of Tillsonburg;

THENCE northerly along the boundary of the Town of Tillsonburg to its northeast angle;

THENCE northerly to and along the east limit of Lot 3 in Concession X in the Township of Dereham to the centre line of Concession X;

THENCE westerly along the centre line of Concession X to the west limit of Lot 8 in Concession X;

THENCE southerly along the west limit of Lot 8 in concessions X, XI and XII and its prolongation to the south boundary of the Township of Dereham;

THENCE westerly along the south boundary of the Township of Dereham to its southwest angle;

THENCE northerly along the west boundary of the Township of Dereham to its northwest angle;

THENCE easterly along the north boundary of the Township of Dereham to its northeast angle;

THENCE southerly along the east boundary of the Township of Dereham to the point of commencement.

Dissolution
of police
villages

(2) The following police villages are dissolved on the 1st day of January, 1975:

1. The Police Village of Bright.
2. The Police Village of Burgessville.
3. The Police Village of Drumbo.
4. The Police Village of Innerkip.
5. The Police Village of Otterville.
6. The Police Village of Plattsville.
7. The Police Village of Princeton.
8. The Police Village of Thamesford.

Amalgama-
tions,
annexations
and
dissolutions
deemed by
O.M.B. orders
R.S.O. 1970,
cc. 323, 284

(3) For the purposes of every Act, the amalgamations, annexations and dissolutions provided for in this Part shall be deemed to have been effected by orders of the Municipal Board not subject to section 42 of *The Ontario Municipal Board Act* or to petition or appeal under section 94 or 95 of

such Act, made on the day this section comes into force pursuant to applications made under sections 14 and 25 of *The Municipal Act* and, subject to the provisions of this Act, the Municipal Board, upon the application of any area municipality or any local board thereof or of its own motion, may exercise its powers consequent upon such amalgamations, annexations and dissolutions, and sections 94 and 95 of *The Ontario Municipal Board Act* do not apply to decisions or orders made in the exercise of such powers and “municipalities” in clause *a* of subsection 11 of section 14 of *The Municipal Act* includes, for the purposes of such clause, the area municipalities to which territory is annexed.

(4) If directed by order of the Minister, a vote of the electors of any area municipality as established under subsection 1 shall be taken at the same time as the election for the first council of the area municipality, to determine from among the names designated by the Minister, which name the area municipality shall bear and, following the vote, the Minister shall by order,

Referendum
re area
municipality
names

- (a) confirm the name of the area municipality as set out in subsection 1; or
- (b) declare the name that the area municipality shall bear,

and where a declaration is made under clause *b*, all references to such area municipalities shall be deemed to refer to such area municipalities as designated in the declaration.

3.—(1) On and after the 1st day of January, 1975, the council of each area municipality shall be composed of a mayor, who shall be elected by a general vote of the electors of the area municipality and shall be the head of the council, and the following number of other members of council:

Composition
of area
municipal
councils

1. The City of Woodstock—except as may be provided under subsection 3, eight members, five of whom shall be elected by a general vote of the electors of the area municipality as members of the council of the area municipality and of the County Council, and three of whom shall be elected by a general vote of the electors of the area municipality as members of the council of the area municipality.
2. The Town of Ingersoll—six members, one of whom shall be elected by a general vote of the electors of the area municipality as a member of the council of the area municipality and of the County Council, and five members elected in the manner provided for by order of the Minister made under subsection 3.

3. The Town of Tillsonburg—six members, one of whom shall be elected by a general vote of the electors of the area municipality as a member of the council of the area municipality and of the County Council, and five members elected in the manner provided for by order of the Minister made under subsection 3.
4. The Township of Blandford-Blenheim—five members, one of whom shall be elected by a general vote of the electors of the area municipality as a member of the council of the area municipality and of the County Council, and four members elected in the manner provided for by order of the Minister made under subsection 3.
5. The Township constituted under clause *e* of subsection 1 of section 2—eight members, one of whom shall be elected by a general vote of the electors of the area municipality as a member of the council of the area municipality and of the County Council, and seven members elected in the manner provided for by order of the Minister made under subsection 3.
6. The Township constituted under clause *f* of subsection 1 of section 2—six members, one of whom shall be elected by a general vote of the electors of the area municipality as a member of the council of the area municipality and of the County Council, and five members elected in the manner provided for by order of the Minister made under subsection 3.
7. The Township constituted under clause *g* of subsection 1 of section 2—six members, one of whom shall be elected by a general vote of the electors of the area municipality as a member of the council of the area municipality and of the County Council, and five members elected in the manner provided for by order of the Minister made under subsection 3.
8. The Township constituted under clause *h* of subsection 1 of section 2—six members, one of whom shall be elected by a general vote of the electors of the area municipality as a member of the council of the area municipality and of the County Council, and five members elected in the manner provided for by order of the Minister made under subsection 3.

First
elections and
term of office

(2) With respect to the area municipalities, elections of the first councils shall be held in the year 1974, and the day of polling shall be the 7th day of October and the first councils elected shall hold office for the years 1975 and 1976.

(3) For the purposes of the elections of the first councils ^{Idem} of the area municipalities and the members thereof to represent the area municipalities on the County Council,

- (a) the Minister may by order, divide into wards any area municipality as constituted by section 2 and make provision for the respective numbers of members of council of the area municipality and of the County Council, to be elected in the respective wards and such wards shall remain in effect until altered by the Municipal Board;
- (b) the Minister may by order, provide for the qualification of candidates and,
 - (i) provide for the qualification of electors, nominations, the appointment of returning officers, the holding of the elections, the preparation of polling lists, and
 - (ii) provide for such other matters as he considers necessary to hold the elections.

(4) Subsections 2 and 3 apply to the elections of the first ^{Application of} councils of the area municipalities notwithstanding *The Municipal Elections Act, 1972.* ^{1972, c. 95}

(5) The members of the council of each area municipality ^{Organization committee in 1974} elected in the year 1974 shall comprise a committee in their respective area municipalities to do anything in that year necessary for the purposes of organization, policy and planning of the area municipality.

4. The expenses of the local municipalities for the elections ^{First election expenses} to elect members of the councils of the area municipalities in the year 1974 shall, as approved by the Minister, be paid out of the Consolidated Revenue Fund.

5. No area municipality shall have a Board of Control. ^{No Board of Control}

PART II

ESTABLISHMENT OF THE COUNTY COUNCIL

6.—(1) The County of Oxford is continued and on and after the 1st day of January, 1975 shall exercise the powers and duties and be subject to the obligations and liabilities provided for in this Act. ^{County re constituted}

Organi-
zational
powers of
County
Council
in 1974

(2) The County Council elected in the year 1974 in accordance with the provisions of this Act may exercise all such powers as may be necessary to organize and plan for the implementation of the expanded powers and duties of the County on and after the 1st day of January, 1975.

Continuation
in office of
County
Council

(3) The County Council in office in the year 1974 shall continue until the 31st day of December, 1974, but the provisions of this Act shall not apply to such County Council.

Deemed
municipality
under
R.S.O. 1970,
cc. 118, 323

(4) The County on and after the 1st day of January, 1975 shall be deemed to be a municipality for the purposes of *The Municipal Affairs Act* and *The Ontario Municipal Board Act*.

Minister's
authority

(5) The Minister may by order deem the County to be a regional municipality for the purposes of any general or special Act.

County
deemed not
municipality
for purposes
of
R.S.O. 1970,
c. 284

(6) The County shall not, except as provided for in this Act, be a municipality for the purposes of *The Municipal Act* on and after the 1st day of January, 1975.

County
Council to
exercise cor-
porate
powers

7.—(1) The powers of the County shall be exercised by the County Council and, except where otherwise provided, the jurisdiction of the County Council is confined to the County.

Powers
exercised by
by-law

(2) Except where otherwise provided, the powers of the County Council shall be exercised by by-law.

Not to be
quashed as
unreasonable

(3) A by-law passed by the County Council in the exercise of any of its powers and in good faith shall not be open to question, or be quashed, set aside or declared invalid either wholly or partly, on account of the unreasonableness or the supposed unreasonableness of its provisions or any of them.

Composition
of County
Council

8.—(1) The County Council shall consist of twenty-one members composed of a warden and,

- (a) in the year 1974, the mayor-elect of each area municipality and thereafter the mayor of each area municipality;
- (b) five members of council of the City of Woodstock elected as members of the County Council under section 3; and
- (c) one member of council of each area municipality, except the City of Woodstock, elected as members of the County Council under section 3.

Term of
office

(2) The members elected to the County Council in the year 1974, under the provisions of subsection 1, shall hold office for the years, 1974, 1975 and 1976.

(3) On and after the 1st day of January, 1977 the term of office of the County Council shall be two years. Idem

9.—(1) The County Council shall, on or before the 15th day of October, 1974, meet at a time and place and under the chairmanship of a person designated by the Minister to choose a person who will preside as interim warden and act as clerk at the first meeting of the County Council in the year 1974 after such date. Interim warden

(2) At the first meeting of the County Council in the year 1974 and 1977 and every second year thereafter at which a quorum is present, the County Council shall organize as a council and elect from amongst its members a warden who shall hold office, for that term of the council and until his successor is elected, and at such meeting in the year 1977 and every second year thereafter the clerk shall preside until the warden is elected. Election of warden

(3) The member of the County Council elected as warden shall be deemed to have resigned immediately from the council of the area municipality to which he was elected and the provisions of sections 44 and 45 of *The Municipal Act* shall apply to the council of the area municipality in filling the vacancy caused by such resignation. Warden deemed to have resigned
R.S.O. 1970, c. 284

(4) If, at the first meeting of the County Council in the year 1974 and any subsequent first meeting, a warden is not elected, the presiding officer may adjourn the meeting from time to time, and, if a warden is not elected at any adjourned meeting held within one week after the first meeting, the Lieutenant Governor in Council shall appoint a warden to hold office for that year and the following year and until his successor is elected in accordance with this Act. Failure to elect warden

10.—(1) The first meeting of the County Council in the year 1974 shall be held on or after the 18th day of October, 1974, at such date, time and place as the interim warden may determine, and the interim warden shall give to each person entitled to be a member of the County Council at least forty-eight hours notice of the date, time and place of such meeting. First meeting in 1974

(2) The warden, before taking his seat, shall take an oath of allegiance in Form 1 and a declaration of qualification in Form 2. Oath of allegiance and declaration of qualification

(3) No business shall be proceeded with at the first meeting of the County Council until after the declarations of office in Form 20 of *The Municipal Act* have been made by all members who present themselves for that purpose. Declaration of office
R.S.O. 1970, c. 284

When
County
Council
deemed
organized

(4) The County Council shall be deemed to be organized when the declarations of office have been made by a sufficient number of members to form a quorum as provided for in section 11.

Quorum,
voting

11.—(1) Eleven members of the County Council representing four area municipalities are necessary to form a quorum and the concurring votes of a majority of members present are necessary to carry any resolution or other measure.

One vote

(2) Subject to subsection 3, each member of the County Council has one vote only.

Warden vote

(3) The warden does not have a vote except in the event of an equality of votes.

Place of
meeting

12. Subject to section 10, all meetings of the County Council shall be held at such place within the County and at such times as the County Council from time to time appoints.

Vacancies,
warden

13.—(1) When a vacancy occurs in the office of a warden who has been elected under subsection 2 of section 9, the County Council shall, at a general or special meeting to be held within twenty days after the vacancy occurs, elect a chairman who may be one of the members of the County Council, or any other person, to hold office for the remainder of the term of his predecessor.

Idem

(2) If the County Council fails to elect a chairman within twenty days as required by subsection 1, the Lieutenant Governor in Council may appoint a person as warden to hold office for the remainder of the term of his predecessor.

Other
members

(3) When a vacancy occurs in the office of a member, other than the warden or the head of the council of an area municipality, the council of the area municipality of which he was a member shall by by-law within thirty days after the vacancy occurs appoint a successor, who may be a member of the council, to hold office for the remainder of the term of his predecessor.

Where head
of council in-
capacitated

(4) In the event that the head of a council of an area municipality is for any reason unable to fulfil his duties as a member of the County Council for a period exceeding one month, the council of the area municipality may by by-law appoint one of its members as an alternate representative to the County Council who shall act in the place and stead of the head of council during his incapacity but no such by-law shall have effect for a period longer than one month from its effective date

14. Members of the County Council, may be paid for services performed on and after the 1st day of January, 1975, such annual and other remuneration as the County Council may determine. Remuneration

15.—(1) The County Council may from time to time establish such standing or other committees and assign to them such duties as it considers expedient. Committees

(2) The County Council may by by-law provide for paying an annual allowance to each chairman of a standing committee except where such chairman is also the warden. Remuneration of committee chairmen

16. The County Council may pass by-laws for governing the proceedings of the County Council and any of its committees, the conduct of its members and the calling of meetings. Procedural by-laws

17.—(1) The warden is the head of the County Council and is the chief executive officer of the County. Head of County Council

(2) The County Council may by by-law appoint a chief administrative officer, who, Chief administrative officer

(a) shall have such general control and management of the administration of the government and affairs of the County and perform such duties as the County Council by by-law prescribes;

(b) shall be responsible for the efficient administration of all its departments to the extent that he is given authority and control over them by by-law;

(c) shall hold office during the pleasure of the County Council; and

(d) shall receive such salary as the County Council by by-law determines.

(3) Subsection 2 of section 238 of *The Municipal Act* applies to a chief administrative officer appointed under subsection 2 of this section. Application of R.S.O. 1970, c. 284

18. When the warden is absent from the County or absent through illness, or refuses to act, the County Council may by resolution appoint one of its members to act in his place and stead, and such member shall have and may exercise all the rights, powers and authority of the chairman during such absence or refusal to act. Acting warden

Application of
R.S.O. 1970,
c. 284

19.—(1) Sections 192, 193, 195, 197, 198, 259, 281 to 286 and 390 of *The Municipal Act* apply *mutatis mutandis* to the County.

Idem

(2) Sections 190, 200, 201 and 243 of *The Municipal Act* apply *mutatis mutandis* to the County Council and to every local board of the County.

Appointment
of clerk

20.—(1) The County Council shall appoint a clerk whose duty is,

- (a) to record truly without note or comment, all resolutions, decisions and other proceedings of the County Council;
- (b) if required by any member present, to record the name and vote of every member voting on any matter or question;
- (c) to keep in his office, or in the place appointed for that purpose, the originals of all by-laws and of all minutes of the proceedings of the County Council and its committees; and
- (d) to perform such other duties as may be assigned to him by the County Council.

Deputy
clerk

(2) The County Council may appoint a deputy clerk who shall have all the powers and duties of the clerk.

Acting
clerk

(3) When the office of clerk is vacant or the clerk is unable to carry on his duties through illness or otherwise, the County Council may appoint an acting clerk *pro tempore* who shall have all the powers and duties of the clerk.

Minutes
open to
inspection

21.—(1) Any person may, at all reasonable hours, inspect any of the records, books or documents in the possession or under the control of the clerk, except interdepartmental correspondence and reports of officials of any department or of solicitors for the County made to the County Council or any of its committees, and the clerk within a reasonable time shall furnish copies of them or extracts therefrom certified under his hand and the seal of the County to any applicant on payment at the rate of 15 cents for every 100 words or at such lower rate as the County Council may fix.

Index of
by-laws
affecting
land

(2) The clerk shall keep an index book in which he shall enter the number and date of all by-laws passed by the County Council that affect land or the use thereof in the County but do not directly affect the title to land.

(3) A copy of any record, book or document in the possession or under the control of the clerk, purporting to be certified under his hand and the seal of the County, may be filed and used in any court in lieu of the original, and shall be received in evidence without proof of the seal or of the signature or official character of the person appearing to have signed the same, and without further proof, unless the court otherwise directs. Copies certified by clerk to be receivable in evidence

22.—(1) The County Council shall appoint a treasurer who shall keep the books, records and accounts, and prepare the annual financial statements of the County and preserve and file all accounts of the County and shall perform such other duties as may be assigned to him by the County Council. Appointment of treasurer

(2) The County Council may appoint a deputy treasurer who shall have all the powers and duties of the treasurer. Deputy treasurer

(3) When the office of treasurer is vacant or the treasurer is unable to carry on his duties, through illness or otherwise, the County Council may appoint an acting treasurer *pro tempore* who shall have all the powers and duties of the treasurer. Acting treasurer

23.—(1) The treasurer shall receive and safely keep all moneys of the County and shall pay out money to such persons and in such manner as the law in force in Ontario and the by-laws or resolutions of the County Council direct, provided that every cheque issued by the treasurer shall be signed by the treasurer and by some other person or persons designated for the purpose by by-law or resolution of the County Council, and any such other person before signing a cheque shall satisfy himself that the issue thereof is authorized. Receipt and disbursement of money

(2) Notwithstanding subsection 1, the County Council may by by-law, Signing of cheques

(a) designate one or more persons to sign cheques in lieu of the treasurer; and

(b) provide that the signature of the treasurer and of any other person authorized to sign cheques may be written or engraved, lithographed, printed or otherwise mechanically reproduced on cheques.

(3) The County Council may by by-law provide that the treasurer may establish and maintain a petty cash fund of an amount of money sufficient to make change and pay small accounts, subject to such terms and conditions as the by-law may provide. Petty cash fund

When
member may
be paid

1972, c. 142

Treasurer's
liability
limited

Bank
accounts

Monthly
statement

Notice to
sureties

Appointment
of auditors

(4) Except where otherwise expressly provided by this Act, a member of the County Council shall not receive any money from the treasurer for any work or service performed or to be performed but nothing in this subsection prevents the payment of any moneys under any contract in respect of which the member has complied with *The Municipal Conflict of Interest Act, 1972*.

(5) The treasurer is not liable for money paid by him in accordance with a by-law or resolution of the County Council, unless another disposition of it is expressly provided for by statute.

24. Subject to subsection 3 of section 23, the treasurer shall,

- (a) open an account or accounts in the name of the County in such of the chartered banks of Canada or at such other place of deposit as may be approved by the County Council;
- (b) deposit all money received by him on account of the County, and no other money, to the credit of such account or accounts, and no other account; and
- (c) keep the money of the County entirely separate from his own money and from that of any other person,

and notwithstanding subsection 1 of section 23, the County Council shall not by by-law or resolution direct any variance from the provisions of this section, nor shall the treasurer vary from such provisions.

25.—(1) The treasurer shall prepare and submit to the County Council, monthly, a statement of the money at the credit of the County.

(2) Where the treasurer is removed from office or absconds, the County Council shall forthwith give notice to his sureties.

26.—(1) The County Council shall by by-law appoint one or more auditors who shall be persons licensed by the Ministry as municipal auditors and who shall hold office during good behaviour and be removable for cause upon the vote of two-thirds of the members of the County Council, and the auditor or auditors so appointed shall audit the accounts and transactions of the County and of every local board of the County, except school boards.

(2) Where an auditor audits the accounts and transactions of a local board, the cost thereof shall be paid by the County and charged back to the local board, and, in the event of a dispute as to the amount of the cost, the Ministry may upon application finally determine the amount thereof. ^{Cost of audit}

(3) No person shall be appointed as an auditor of the County who is or during the preceding year was a member of the County Council or of the council of an area municipality or of any local board, the accounts and transactions of which it would as auditor be his duty to audit, or who has or during the preceding year had any direct or indirect interest in any contract with the County or an area municipality, or any such local board, or any employment with any of them other than as an auditor, but this provision shall not apply in the year 1975. ^{Disqualification of auditors}

(4) An auditor shall perform such duties as are prescribed by the Ministry and also such duties as may be required by the County Council or any local board of the County that do not conflict with the duties prescribed by the Ministry. ^{Duties of auditors}

27.—(1) Where the County or a local board thereof employs a person theretofore employed by a local municipality or a local board thereof within the County or a local board thereof, the County or local board shall be deemed to have elected to participate in the Ontario Municipal Employees Retirement System on the day this Part comes into force in respect of the employee if such employee was or was entitled to be a member of the Ontario Municipal Employees Retirement System on the day immediately preceding his employment with the County or local board thereof and such employee shall have uninterrupted membership or entitlement to membership, as the case may be, in the Ontario Municipal Employees Retirement System and be deemed not to have resigned from his previous employment. ^{Pensions}

(2) Where the County or a local board thereof employs a person theretofore employed by a local municipality or a local board thereof within the County, the employee shall be deemed to remain an employee of the local municipality or local board thereof for the purposes of his entitlement under any approved pension plan or supplementary plan. ^{Idem}

(3) Where the County or a local board thereof employs a person theretofore employed by a local municipality or a local board thereof, within the County, the employee shall be ^{Sick leave credits}

deemed to remain an employee of the municipality or local board thereof until the County or local board thereof has established a sick leave credit plan for its employees, and the employees are entitled to receive such benefits from the County whereupon the County or local board thereof shall place to the credit of the employee the sick leave credits standing to his credit in the plan of the municipality or local board thereof.

Holidays

(4) Where the County or a local board thereof employs a person theretofore employed by a local municipality or a local board thereof within the County or local board thereof, the County or local board thereof shall during the first year of his employment by the County or local board thereof, provide for such employee's holidays with pay equivalent to those to which he would have been entitled if he had remained in the employment of the municipality or local board thereof.

Offer of employment

(5) The County shall offer to employ every person who, on the 1st day of April, 1974, is employed in any undertaking of, or operated on behalf of, any local municipality or local board that is assumed by the County under this Act and who continues to be so employed until the 31st day of December, 1974.

Entitlement to salary

(6) Any person who accepts employment offered under subsection 5 shall be entitled to receive a wage or salary up to and including the 31st day of December, 1975, of not less than he was receiving on the 1st day of April, 1974.

Application of R.S.O. 1970, c. 324

(7) The County shall be deemed to be a municipality for the purposes of *The Ontario Municipal Employees Retirement System Act*.

Placement of staff

(8) The Minister may by order do all such things as may be necessary to facilitate the placement of staff in the structure of both the County and area municipalities including providing for the protection of pension benefits, sick leave credits and holiday entitlements.

Pension rights and sick leave credits

(9) Where under the provisions of this section any employee in the opinion of the Minister experiences any difficulty or hardship with regard to the transfer of any pension rights or sick leave credits, the Minister may by order do anything necessary to remedy or alleviate such difficulty or hardship.

Termination of employment

(10) Nothing in this section prevents any employer from terminating the employment of an employee for cause.

PART III

COUNTY ROAD SYSTEM

28. In this Part,

- (a) “approved” means approved by the Minister or of a type approved by the Minister;
- (b) “construction” includes reconstruction;
- (c) “maintenance” includes repairs;
- (d) “Minister” means the Minister of Transportation and Communications;
- (e) “Ministry” means the Ministry of Transportation and Communications;
- (f) “road authority” means a body having jurisdiction and control of a highway.

29.—(1) On and after the 1st day of January, 1975, all roads on the 31st day of December, 1974, under the jurisdiction and control of the County shall continue to form part of the county road system, together with those roads which on the 31st day of December, 1974 are under the jurisdiction and control of the Woodstock Suburban Roads Commission and the Ingersoll Suburban Roads Commission. County road system

(2) The County Council may by by-law from time to time add roads to or remove roads from the county road system, including such boundary line roads or portions thereof between the County and an adjoining county or regional municipality as may be agreed upon between the County Council and the council of such adjoining municipality. Adding or removing roads by by-law

(3) The Lieutenant Governor in Council may transfer any highway under the jurisdiction and control of the Ministry within the County to the County and the highway shall for all purposes be deemed to be part of the county road system on such date as is designated by the Lieutenant Governor in Council and to have been transferred under section 26 of *The Public Transportation and Highway Improvement Act*. Transfer of provincial highway to County

(4) Where a road or part thereof forms part of the county road system, jurisdiction and control and the soil and freehold thereof are vested in the County. Vesting of roads in County

(5) The Lieutenant Governor in Council may remove any road from the county road system. Removal of roads from county roads system

Roads
removed from
system

(6) Where a road or a part thereof is removed from the county road system, except by reason of it being stopped-up pursuant to subsection 1 of section 39, such road or part is thereupon transferred to and the jurisdiction and control and the soil and freehold thereof is thereupon vested in the area municipality in which it is situate, and the area municipality may sue upon any rights or under any agreements or by-laws in the same manner and to the same extent as the County in respect of such road.

Status of land
acquired for
for widening
county road

(7) Notwithstanding subsection 10, where the County acquires land for the purpose of widening a county road, the land so acquired, to the extent of the designated widening, forms part of the road and is included in the county road system.

Idem

(8) When land abutting on a county road is dedicated for, or apparently for, widening the county road, the land so dedicated is part of the county road and the jurisdiction and control and the soil and freehold thereof is vested in the County subject to any rights in the soil reserved by the person who dedicated the land.

Consolidating
by-laws

(9) The County Council shall, on or before the 1st day of May, 1979, pass a by-law consolidating all by-laws relating to the county road system, and shall at intervals of not more than five years thereafter pass similar consolidating by-laws.

Approval
of by-laws

(10) Every by-law passed under this section shall be submitted to the Minister for approval by the Lieutenant Governor in Council and the Lieutenant Governor in Council may approve the by-law in whole or in part and, where the by-law is approved in part only, it shall be in force and take effect only so far as approved, but it shall not be necessary for the County Council to pass any further by-law amending the original by-law or repealing any part thereof that has not been approved, and every such by-law as approved is in force and effect after the day named by the Lieutenant Governor in Council.

R.S.O. 1970,
c. 410 not to
apply

(11) *The Regulations Act* does not apply to an order in council made under this section.

Plans of
construction
and
maintenance

30. The County Council shall adopt a plan of road construction and maintenance, and from time to time thereafter shall adopt such other plans as may be necessary.

Furnishing
of information
to Minister

31. Where the County proposes the construction, improvement or alteration of a county road, it shall furnish the Minister with such detailed information as he may require.

32. Where a contribution has been made from any source whatsoever towards an expenditure made under the provisions of section 84d of *The Public Transportation and Highway Improvement Act*, the amount of such contribution shall be deducted from the expenditure in the statement submitted to the Minister unless the Minister otherwise directs.

Contribution towards expenditures
R.S.O. 1970, c. 201

33. The roads included in the county road system shall be maintained and kept in repair by the County.

Maintenance and repair

34. The County has, in respect of the roads included in the county road system, all the rights, powers, benefits and advantages conferred, and is subject to all liabilities imposed, either by statute, by-law, contract or otherwise upon the Woodstock and Ingersoll Suburban Road Commissions, as the case may be, might have done if the roads had not become part of the county road system.

Powers over roads assumed

35.—(1) The County is not by reason of a road forming part of the county road system under this Act liable for the construction or maintenance of sidewalks on any road or portion thereof in the county road system, but the area municipality in which such sidewalks are located continues to be liable for the maintenance of such sidewalks and is responsible for any injury or damage arising from the construction or presence of the sidewalks on such road or portion thereof to the same extent and subject to the same limitations to which an area municipality is liable under section 427 of *The Municipal Act* in respect of a sidewalk on a road over which a council has jurisdiction.

Sidewalks accepted

R.S.O. 1970, c. 284

(2) An area municipality may construct a sidewalk or other improvement or service on a county road, and the County may contribute to the cost of such sidewalk, improvement or service, but no such work shall be undertaken by an area municipality without first obtaining the approval of the County Council expressed by resolution.

Area municipalities may construct sidewalks, etc.

(3) The cost of any such sidewalk, improvement or service constructed on a county road may be met out of the general funds of the area municipality or the work may be undertaken in whole or in part as a local improvement under *The Local Improvement Act*.

How cost provided

R.S.O. 1970, c. 255

(4) An area municipality when constructing such a sidewalk, improvement or service on a county road shall conform to any requirements or conditions imposed by the County Council and is responsible for any injury or damage arising from the construction or presence of the sidewalk, improvement or service on the road.

Area municipality to conform to requirements and be responsible for damage

Installation of
traffic control
devices

36.—(1) The County may construct, install, maintain or remove any works on a highway, other than a road under the jurisdiction and control of the Ministry, including traffic control devices, for the purpose of altering or regulating the flow of traffic upon entering or leaving a road in the county road system.

Relocation of
intersecting
roads

(2) The County may relocate, alter or divert any public road, other than a road under the jurisdiction and control of the Ministry, entering or touching upon or giving access to a road in the county road system.

Idem

(3) Where, in relocating, altering or diverting a public road under subsection 2, the County constructs a new road in lieu of the public road, the County may close the public road at the point of intersection with the county road and may, by by-law vest the new road and the soil and freehold and jurisdiction and control thereof in the area municipality in which it is situate.

Construction
of sidewalk,
etc., on area
municipality
road

(4) Where the County constructs a sidewalk, improvement or service on a road under the jurisdiction and control of an area municipality, the area municipality may contribute to the cost of such sidewalk, improvement or service and the work may be undertaken in whole or in part under *The Local Improvement Act*.

R.S.O. 1970,
c. 255

Intersection
of other
roads by
county road

37. Where a county road intersects a road that is under the jurisdiction and control of an area municipality, the continuation of the county road to its full width across the road so intersected is a part of the county road system.

New roads

38. The County Council may pass by-laws for establishing and laying out new roads and for amending the by-law passed under section 27 by adding such new roads to the county road system, and the provisions of *The Municipal Act* with respect to the establishment and laying out of highways by municipalities apply *mutatis mutandis*.

R.S.O. 1970,
c. 284

Powers and
liabilities
of County

39.—(1) With respect to the roads in the county road system and the regulation of traffic thereon, the County has all the powers conferred, and is subject to all the liabilities imposed, upon the council or corporation of a city by *The Municipal Act*, *The Highway Traffic Act* and any other Act with respect to highways.

R.S.O. 1970,
cc. 284, 202

Establishment
of bus lanes

(2) The County Council or the council of any area municipality may by by-law designate any lane on any road over which it has jurisdiction as a lane solely or principally for use by public transit motor vehicles and prohibit or regulate the use thereof by vehicles other than public transit vehicles

to such extent and for such period or periods as may be specified, and for the purpose of this subsection, "public transit motor vehicle" means a motor vehicle owned and operated by, for or on behalf of the County or any area municipality as part of its passenger transportation service.

40.—(1) The County Council may by by-law prohibit or regulate the placing or erecting of,

Erection of gasoline pump and advertising device near county road

(a) any gasoline pump within 150 feet of any limit of a county road;

(b) any sign, notice or advertising device within one-quarter mile of any limit of a county road.

(2) A by-law passed under this section may provide for the issuing of permits for the placing or erecting of any gasoline pump, sign, notice or advertising device and may prescribe the form, terms and conditions thereof and the fees to be paid therefor.

Permits

41.—(1) No by-law passed by an area municipality for the regulation of traffic on a highway under the jurisdiction and control of the area municipality, except a by-law for the regulation of parking, shall come into force until it has been approved by the County Council before it is submitted for approval under *The Highway Traffic Act*.

By-laws of area municipalities regulating traffic

R.S.O. 1970, c. 202

(2) All signal-light traffic control devices heretofore or hereafter erected on a highway under the jurisdiction and control of an area municipality shall be operated, or erected and operated, in the manner prescribed by by-law of the County Council, and the County Council may delegate any of its powers in respect of the operation of such devices to an officer of the County designated in the by-law.

Signal-light devices

(3) The County may contribute toward the cost of the erection of signal-light traffic control devices erected by an area municipality.

Contribution toward cost of signal-light

(4) Subject to *The Highway Traffic Act*, the County Council may pass by-laws to regulate traffic on any highway under the jurisdiction and control of an area municipality for a distance of 100 feet on either side of the limit of a county road and where there is any conflict between such a by-law and a by-law of an area municipality, the by-law passed under this subsection prevails to the extent of such conflict.

Traffic control within 100 feet of county roads
R.S.O. 1970, c. 202

42. The County Council may by by-law authorize agreements between the County and the owners or lessees of land abutting on a highway for the construction, maintenance

Agreements for pedestrian walks

and use of walks for pedestrians over, across or under the highways upon such terms and conditions as may be agreed and for contributing to the whole or any part of the cost thereof, and for leasing or licensing the use of untravelled portions of such walks and adjoining lands to persons for such considerations and upon such terms and conditions as may be agreed.

Disputes as to
maintenance,
etc., of
bridges and
highways
R.S.O. 1970,
c. 284

43.—(1) Sections 436 and 438 of *The Municipal Act* do not apply to a bridge or highway crossing or forming a boundary between the County and an adjoining municipality where such bridge or highway is included in the county road system and in the road system of the municipality.

Idem

(2) Where there is a difference between the County Council and the council of a municipality in respect of any such bridge or highway as to the corporation upon which the obligation rests for the constructing or maintaining of the bridge or highway, or as to the proportions in which the corporations should respectively contribute thereto, or where the County Council and the council of the municipality are unable to agree as to any action, matter or thing to be taken or done in respect of such bridge or highway, every such difference shall be determined by the Municipal Board upon an application by the County or the corporation of the municipality.

Hearing
by O.M.B.

(3) The Municipal Board shall appoint a day for the hearing of the application, of which ten days notice in writing shall be given to the clerk of each municipality and of the County, and shall, at the time and place appointed, hear and determine all matters in difference between the municipalities, in regard to such bridge or highway, and the Municipal Board may make such order with respect to the same as it may consider just and proper, and may by the order fix and determine the amount or proportion that each municipality shall pay or contribute toward the building and maintaining of such bridge or highway.

Term of
order

(4) An order made by the Municipal Board under this section is binding upon the municipalities for such period as the Municipal Board may determine, and is final and conclusive.

Boundary
bridges
between area
municipal-
ities
R.S.O. 1970,
c. 284

44. Clause *b* of subsection 1 of section 403 of *The Municipal Act* does not apply to a bridge over a river, stream, pond or lake forming or crossing a boundary line between area municipalities, and the councils of the area municipalities on either side of such boundary line have joint jurisdiction over every such bridge that is not included in the county road system.

45. Section 418 of *The Municipal Act* does not apply to a bridge over a river, stream, pond or lake forming or crossing a boundary line between the County and an adjoining municipality, and the councils of the area municipality and the adjoining local municipality on either side of such boundary line have joint jurisdiction over every such bridge that is not included in the county road system.

Boundary bridges between County and adjoining municipalities
R.S.O. 1970, c. 284

46.—(1) The County Council has, with respect to all land lying within a distance of 150 feet from any limit of a county road, all the powers conferred on the council of a local municipality by section 35 of *The Planning Act*.

Restrictions
R.S.O. 1970, c. 349

(2) In the event of conflict between a by-law passed under subsection 1 by the County Council and a by-law passed under section 35 of *The Planning Act* or a predecessor of such section by the council of a local municipality that is in force in the area municipality in which the land is situate, the by-law passed by the County Council prevails to the extent of such conflict.

Conflict with local by-laws

47.—(1) The County Council may by by-law designate any road in the county road system, or any portion thereof, as a controlled-access road.

Controlled-access roads

(2) Subject to the approval of the Municipal Board, the County Council may by by-law close any municipal road that intersects or runs into a county controlled-access road.

Closing municipal roads

(3) The Municipal Board may direct that notice of any application for approval of the closing of a road under this section shall be given at such time, in such manner and to such persons as the Municipal Board may determine, and may further direct that particulars of objections to the closing shall be filed with the Municipal Board and the County within such time as the Municipal Board shall direct.

Notice of application for approval for closing road

(4) Upon the hearing of the application for approval of the closing of a road, the Municipal Board may make such order as it considers proper refusing its approval or granting its approval upon such terms and conditions as it considers proper, and any order of the Municipal Board approving of the closing of a road may contain provisions,

Order of O.M.B.

- (a) determining the portion or portions of the road that shall be closed;
- (b) providing for the payment of the costs of any person appearing on such application and fixing the amount of such costs; and

- (c) providing for the doing of such other acts as in the circumstances it considers proper.

Closing road (5) Upon the approval of the Municipal Board being so obtained but subject to the provisions of the order of the Municipal Board made on the application for such approval the County may do all such acts as may be necessary to close the road in respect of which the application is made.

Appeal (6) The County, or any person including an area municipality, that has filed particulars of an objection may, with the leave of the Divisional Court, appeal to that court from any order made under subsection 4.

Time for appeal (7) Application for leave to appeal shall be made within thirty days after the date of the determination or order of the Municipal Board subject to the rules of the court as to vacations.

Leave to appeal (8) The leave may be granted on such terms as to the giving of security for costs and otherwise as the court may consider just.

Practice and procedure on appeal (9) The practice and procedure as to the appeal and matters incidental thereto shall be the same, *mutatis mutandis*, as upon an appeal from a county court, and the decision of the Divisional Court is final.

R.S.O. 1970, c. 323, s. 95 not to apply (10) Section 95 of *The Ontario Municipal Board Act* does not apply to an appeal under this section.

Private roads, etc., opening upon county controlled-access road **48.** The County Council may pass by-laws prohibiting or regulating the construction or use of any private road, entranceway, structure or facility as a means of access to a county controlled-access road.

Notice **49.—(1)** The County may give notice to the owner of any land requiring him to close up any private road, entranceway, structure or facility constructed or used as a means of access to a county controlled-access road in contravention of a by-law passed under section 46.

Service of notice (2) Every notice given under subsection 1 shall be in writing and shall be served personally or by registered mail, and in the case of service by registered mail shall be deemed to have been received on the fifth day following the mailing thereof.

Failure to comply with notice (3) Where the person to whom notice is given under subsection 1 fails to comply with the notice within thirty days after its receipt, the County Council may by resolution direct

any officer, employee or agent of the County to enter upon the land of such person and do or cause to be done whatever may be necessary to close up the private road, entranceway, structure or facility as required by the notice.

(4) Every person who fails to comply with a notice given ^{Offence} under subsection 1 is guilty of an offence and on summary conviction is liable to a fine of not less than \$10 and not more than \$100 for a first offence and to a fine of not less than \$50 and not more than \$500 for a second or subsequent offence.

(5) Where a notice given under subsection 1 has been ^{Compensation} complied with, no compensation is payable to the owner of the land unless the private road, entranceway, structure or facility constructed or used as a means of access to a controlled-access road designated under subsection 1 of section 47 was constructed or used, as the case may be,

- (a) before the day on which the by-law designating the road as a controlled-access road became effective; or
- (b) in compliance with a by-law passed under section 48, in which case the making of compensation is subject to any provisions of such by-law.

50.—(1) Subject to subsection 2, no area municipality shall have any right to compensation or damages for any road forming part of the county road system. ^{County liability where road forms part of system}

(2) Where a road forms part of the county road system, ^{Idem} the County shall thereafter pay to the area municipality before the due date all amounts of principal and interest becoming due upon any outstanding debt of the area municipality in respect of such road, but nothing in this subsection requires the County to pay that portion of the amounts of principal and interest that under *The Local Improvement Act* ^{R.S.O. 1970, c. 255} is payable as the owners' share of a local improvement work.

(3) Where the County fails to make any payment required ^{Default} by subsection 2, the area municipality may charge the County interest at the rate of 12 per cent per annum thereon, or such lower rate as the council of the area municipality determines, from such date until payment is made.

(4) In the event of any doubt as to whether any out- ^{Settling of doubts} standing debt or portion thereof is a debt in respect of the road forming part of the county road system, the Municipal Board, upon application, may determine the matter and its decision is final.

Stopping-up
highways

51.—(1) Where an area municipality intends to stop up a highway or part of a highway, it shall so notify the County by registered mail.

Agreement

(2) If the County objects to such stopping up, it shall notify the council of the area municipality by registered mail within sixty days of the receipt of the notice required under subsection 1 and the highway or part thereof shall not be stopped-up except by agreement between the area municipality and the County Council and failing agreement the Municipal Board, upon application, may determine the matter and its decision is final.

Appointment
of roads
commissioner
R.S.O. 1970,
c. 366

52. The County Council shall by by-law appoint a person, who is a professional engineer registered as a civil engineer under *The Professional Engineers Act*, to administer and manage the county road system.

Application of
R.S.O. 1970,
c. 201

53. Sections 92, 94, 96, 99 and 102 of *The Public Transportation and Highway Improvement Act* apply *mutatis mutandis* with respect to any road in the county road system.

PART IV

PLANNING

Planning area

54.—(1) On and after the 1st day of January, 1975, the County shall be a municipality and a planning area for the purposes of *The Planning Act* and shall be known as the Oxford Planning Area.

R.S.O. 1970,
c. 349

Designated
municipality
R.S.O. 1970,
c. 349

(2) The County Council shall be the Planning Board of the Oxford Planning Area and may be or may constitute or appoint a land division committee for the purpose of granting consents referred to in section 29 of *The Planning Act*.

Advisory
committees

(3) The County Council may appoint such advisory and planning committees as it deems necessary.

Planning areas
and subsidiary
planning areas
dissolved

55.—(1) All planning areas and subsidiary planning areas that are included in the Oxford Planning Area together with the boards thereof including the Oxford County Planning Board are hereby dissolved on the 1st day of January, 1975, and no area municipality shall, except as provided in subsection 2, exercise any powers under *The Planning Act*.

Committees of
adjustment

(2) All committees of adjustment heretofore constituted by the council of a municipality in the Oxford Planning Area are hereby dissolved on the 1st day of January, 1975, and the council of each area municipality is deemed to be a

committee of adjustment under section 41 of *The Planning Act*,^{R.S.O. 1970, c. 349} but notwithstanding the provisions of such Act no such council shall have any authority to grant consents referred to in section 29 of such Act.

(3) All matters in process on the 31st day of December, 1974, under the provisions of *The Planning Act* pertaining to the granting of consents under such Act shall continue and be completed by the council of an area municipality, the County Council or a land division committee as may be appropriate.^{Continuation of matters in process}

56. The County Council, before the 31st day of December, 1978, shall prepare, adopt and forward to the Minister for approval an official plan for the County, and all existing official plans in the Oxford Planning Area shall be deemed to be official plans of the County.^{Official plan}

PART V

HEALTH AND WELFARE SERVICES

57.—(1) The County shall be deemed to be a city for all the purposes of the provisions of *The Public Hospitals Act* and *The Private Hospitals Act* respecting hospitalization and burial of indigent persons and their dependants and no area municipality has any liability under such provisions.^{Liability for hospitalization of indigents R.S.O. 1970, cc. 378, 361}

(2) The County is liable for the hospitalization and burial, after the 31st day of December, 1974, of an indigent person or his dependant who was in hospital on the 31st day of December, 1974, and in respect of whom any local municipality within the County was liable because the indigent person was a resident of such local municipality.^{Existing liabilities transferred}

(3) Nothing in subsection 2 relieves any such local municipality from any liability in respect of hospitalization or burials before the 1st day of January, 1975.^{Proviso}

58.—(1) The County may pass by-laws for granting aid for the construction, erection, establishment, acquisition, maintenance, equipping and carrying on the business of public hospitals including municipal hospitals and other health care facilities in the County and may issue debentures therefor, and no area municipality shall exercise any such powers in respect of public hospitals including municipal hospitals.^{Aid to hospitals}

(2) The County shall pay to any area municipality, on or before the due date, all amounts of principal and interest^{Payment of principal and interest to area municipalities}

becoming due upon any outstanding indebtedness of the area municipality in respect of aid granted by a local municipality for the purposes mentioned in subsection 1, prior to the 1st day of January, 1975, and if the County fails to pay such amounts before the due date, the area municipality may charge the County interest at the rate of 12 per cent per annum thereon, or such lower rate as the council of the area municipality determines, from such date until payment is made.

Hospital costs
form part of
county levy

(3) Notwithstanding the provisions of any general or special Act, payments made under this section shall form part of the levy under section 81.

Health unit
continued

59.—(1) The health unit serving the County on the 31st day of December, 1974 is continued under the name of the Oxford County Board of Health on and after the 1st day of January, 1975.

Boundaries
fixed

(2) Notwithstanding the provisions of any other Act, the boundaries of the health unit of the County shall not be altered except by order of the Minister of Health.

Constitution of
health board

60.—(1) On and after the 1st day of January, 1975, the Oxford County Board of Health shall be composed of,

- (a) seven members of the County Council appointed by the County Council; and
- (b) not more than three persons appointed by the Lieutenant Governor in Council upon the recommendation of the Minister of Health.

Remuneration
of members

(2) The members of the Oxford County Board of Health appointed by the County Council shall not be paid any remuneration as members of such board, except expenses incurred in carrying out their duties.

Expenses of
board

(3) Notwithstanding the provisions of any other Act, the expenses incurred by the Oxford County Board of Health in establishing and maintaining the health unit and performing its functions under *The Public Health Act* or any other Act shall be accounted for, borne and paid by the County.

R.S.O. 1970,
c. 377

County
deemed
city under

61.—(1) For the purposes of the following Acts, the County shall be deemed to be a city and no area municipality shall be deemed to be a municipality:

R.S.O. 1970,
c. 21

1. *The Anatomy Act.*

R.S.O. 1970,
c. 270

2. *The Mental Hospitals Act.*

3. *The Sanatoria for Consumptives Act.*R.S.O. 1970,
c. 4224. *The War Veterans Burial Act.*R.S.O. 1970,
c. 490

(2) For the purposes of the following Acts, no area municipality shall be deemed to be a municipality and the County shall have sole responsibility as a county for all matters provided for in such Acts.

County respon-
sibility under1. *The Day Nurseries Act.*R.S.O. 1970,
c. 1042. *The General Welfare Assistance Act.*R.S.O. 1970,
c. 1923. *The Homemakers and Nurses Services Act.*R.S.O. 1970,
c. 203

62.—(1) No area municipality has any authority to establish, erect and maintain a home for the aged under *The Homes for the Aged and Rest Homes Act.*

Liability for
homes for agedR.S.O. 1970,
c. 206

(2) The home for the aged known as Woodingford Lodge and all the assets and liabilities thereof vest solely in the County on and after the 1st day of January, 1975.

Assets and
liabilities vest
in county

(3) The costs of operating and maintaining Woodingford Lodge shall form part of the levy under section 81.

Levy

63.—(1) The County shall pay to the committee or board of management of any home for the aged located outside the County the cost of maintenance in such home, incurred after the 31st day of December, 1974, of every resident of such home who was admitted thereto due to residence in any area that becomes part of an area municipality.

Residents of
other homes
for aged

(2) The amount payable by the County under subsection 1 shall be such as may be agreed upon or, failing agreement, as may be determined by the Municipal Board.

Amount of
maintenance
payment

64. No area municipality shall be deemed to be a municipality for the purposes of *The Child Welfare Act*, and the County shall be deemed to be a city for the purposes of such Act.

County
deemed
municipality
underR.S.O. 1970,
c. 64

65. The County is liable for the amounts payable on or after the 1st day of January, 1975, by any area municipality under section 88 of *The Child Welfare Act, 1965* and is entitled to recover the amounts payable to any area municipality on or after that date under that section.

Existing
liabilities
transferred

1965, c. 14

66. Where an order is made under subsection 2 of section 20 of the *Juvenile Delinquents Act* (Canada) upon an area

Liability under
order made
underR.S.C. 1970,
c. J-3

municipality, such order shall be considered to be an order upon the County, and the sums of money required to be paid under such order shall be paid by the County and not by the area municipality.

Information

67. Every area municipality and every officer or employee thereof shall, at the request of the officers of the County who are responsible for the administration of the Acts referred to in this Part, furnish forthwith to such officers any information they may require for the purposes of this Act.

Adjustments

68. In the event that there is any doubt as to whether the County is liable under this Part in respect of the liabilities imposed herein, the matter may be settled by agreement between the municipalities concerned or, failing agreement, may be determined by the Municipal Board.

Grants, etc.,
to approved
corporations
under
R.S.O. 1970,
c. 204

69. The County may grant aid to approved corporations established under *The Homes for Retarded Persons Act*, and may enter into agreements with any of such corporations with respect to the construction, operation and maintenance of homes for retarded persons.

PART VI

POLICE

Police
jurisdiction

70. On and after the 1st day of January, 1975, each police force within the County shall continue to have jurisdiction in the area in which each police force had jurisdiction on the 31st day of December, 1974.

Boards of
commis-
sioners
of police

71. All existing boards of commissioners of police and police committees are dissolved on the 31st day of December, 1974, and new boards of commissioners of police or police committees shall be established in the manner provided for in *The Police Act* in those area municipalities in which a local police force has jurisdiction.

R.S.O. 1970,
c. 351

Area rating

72. In any area municipality in which a police force has jurisdiction and such police force does not provide police service to the entire area municipality, the council of such area municipality shall be entitled to establish a police area to which the costs of policing shall be charged.

Policing
services
reviewed

73. Notwithstanding the provisions of sections 70, 71 and 72, the County Council may make application to the Minister for a review of the policing services being provided in the County.

74. The Minister may, notwithstanding the provisions of sections 70, 71, 72 and 73, establish a police force for the whole or part of the County in such manner as he determines. Authority of Minister

75. The powers of the Minister under section 74 shall be exercised by order and in such event the provisions of sections 70, 71 and 72 shall cease to apply. Idem

PART VII

COUNTY WATERWORKS SYSTEM

76.—(1) On and after the 1st day of January, 1975, the County shall have the sole responsibility for the supply and distribution of water and the financing thereof in the County and all the provisions of any general Act relating to the supply and distribution of water and the financing thereof, by a municipal corporation or a local board thereof and all of the provisions of any special Act relating to the supply and distribution of water and the financing thereof by an area municipality or a local board thereof, including *The Local Improvement Act*, apply *mutatis mutandis* to the County, except the power to establish a public utilities commission. County to be sole distributor of water
R.S.O. 1970, c. 255

(2) On and after the 1st day of January, 1975, no area municipality shall have or exercise any powers under any Act for the supply and distribution of water, including the financing thereof. No area municipality to distribute water

(3) All waterworks, supply systems, meters, mechanical equipment and all real and personal property of any nature whatsoever used solely or primarily for the purposes of the supply and distribution of water and all other assets, liabilities and surpluses or deficits, including reserves, of the local municipalities relating to any facility for the supply and distribution of water in the County or for any area municipality are vested in the County effective the 1st day of January, 1975, and no compensation or damages shall be payable to any area municipality in respect thereof. Vesting of water supply facilities

(4) The County shall pay to the corporation of any area municipality before the due date all amounts of principal and interest becoming due upon any outstanding debt of such area municipality in respect of the property assumed by the County under the provisions of subsection 3, but nothing in this subsection requires the County to pay that portion of the amounts of principal and interest that under *The Local Improvement Act* is payable as the owner's share of a local improvement. County liability
R.S.O. 1970, c. 255

- Default (5) If the County fails to make any payment as required by subsection 4, the area municipality may charge the County interest at the rate of 12 per cent per annum thereon, or such lower rate as the Council of the area municipality determines, from such date until payment is made.
- Water supply agreements (6) With respect to any agreements entered into or matters commenced by any municipality or local board thereof in the County respecting the supply and distribution of water and the financing thereof, the County shall, on the 1st day of January, 1975, stand in the place and stead of such municipality or local board for all purposes of any such agreement or matter.
- Idem (7) The County shall be entitled to enter into agreements with any person or municipality with respect to any of the matters provided for in this Part.

PART VIII

COUNTY SEWAGE WORKS

- County responsible for sanitary sewage **77.**—(1) On and after the 1st day of January, 1975, the County shall have the sole responsibility for the collection and disposal of all sewage including the financing thereof, except as provided for in subsection 7, in the County and all of the provisions of any general Act relating to the collection and disposal of such sewage and the financing thereof by a municipal corporation or a local board thereof and all of the provisions of any special Act relating to the collection and disposal of such sewage and the financing thereof, by an area municipality or a local board thereof including *The Local Improvement Act* apply *mutatis mutandis* to the County, except the power to establish a public utilities commission.
- R.S.O. 1970, c. 255
- No area municipality to collect sanitary sewage (2) On and after the 1st day of January, 1975, no area municipality shall have or exercise any powers under any Act for the collection and disposal of sewage and financing thereof, except as provided in subsection 7.
- Vesting of sanitary sewage facilities (3) All sewage works, sewer systems and treatment works, including buildings, structures, plant, machinery, equipment, devices, intakes and outfalls or outlets, or other works designed for the interception, collection, settling, treating, dispersing, disposing or discharging of sewage, except as provided in subsection 7, and all real and personal property of any nature whatsoever used solely or primarily for the purpose of the collection and disposal of such sewage in the County by any area municipality is vested in the County

on the 1st day of January, 1975, and no compensation or damages shall be payable to any area municipality in respect thereof.

(4) The County shall pay to the corporation of any area municipality before the due date all amounts of principal and interest becoming due upon any outstanding debt of such area municipality in respect of the property assumed by the County under the provisions of subsection 3, but nothing in this subsection requires the County to pay that portion of the amounts of principal and interest that under *The Local Improvement Act* is payable as the owner's share of the local improvement work. ^{County liability} ^{R.S.O. 1970, c. 255}

(5) If the County fails to make any payment as required by subsection 4, the area municipality may charge the County interest at the rate of 12 per cent per annum thereon, or such lower rate as the council of the area municipality determines from such date until payment is made. ^{Default}

(6) With respect to any agreements entered into or matters commenced by any municipality or local board thereof in the County respecting the interception, collecting, settling, treating, dispersing, disposing or discharging of sewage, including the financing thereof, except as provided for in subsection 7, the County Council shall stand in the place and stead of such municipality or local board for all purposes of any such agreement or matter. ^{Agreements}

(7) The County shall be responsible for undertaking the land drainage system including storm sewers with respect to regional roads and any surrounding lands which naturally drain into such land drainage system and may undertake a land drainage program including storm sewers in any part of the County as the County Council deems necessary and the area municipalities shall be responsible for all other land drainage systems, including storm sewers, within their respective boundaries. ^{Land drainage}

(8) Where the County undertakes a program provided for in subsection 7, the County may assume all or any portion of the land drainage system, including storm sewers, of an area municipality, without compensation, and the provisions of subsections 4 and 5 shall apply thereto, *mutatis mutandis*. ^{Assumption of area municipal land drainage systems}

(9) The County shall be entitled to enter into agreements with any person or municipality with respect to any matters provided for in this Part. ^{Idem}

PART IX

FINANCES

Interpre-
tation
R.S.O. 1970,
c. 32

78. In this Part, "rateable property" includes business and other assessment made under *The Assessment Act*.

Area muni-
cipality
deemed
municipality
under
R.S.O. 1970,
c. 405

79.—(1) Every area municipality shall be deemed to be an area municipality for all purposes of *The Regional Municipal Grants Act* and every merged area shall be deemed to be a merged area for the purposes of section 9 of that Act.

County
deemed
regional
municipality

(2) The County shall be deemed to be a regional municipality for the purposes of *The Regional Municipal Grants Act*, except that,

(a) for the purposes of any payment under that Act in the year 1975 to the County, the population of each area municipality shall be determined in such manner as the Ministry considers proper;

(b) for the purposes of this Act, "net regional levy" in *The Regional Municipal Grants Act*, means the amount required for county purposes, including the sums required by law to be provided for any board, commission or other body, but excluding school purposes, apportioned to each area municipality by section 81 of this Act, reduced by the amount credited to each area municipality under section 3 of *The Regional Municipal Grants Act*.

Application of
R.S.O. 1970,
c. 284, s. 312

(3) Section 312 of *The Municipal Act* applies *mutatis mutandis* to the county.

YEARLY ESTIMATES AND LEVIES

Yearly
estimates

80.—(1) The County Council shall in each year prepare and adopt estimates of all sums required during the year for the purposes of the County, including the sums required by law to be provided by the County for any local board of the County, and such estimates shall set forth the estimated revenues and expenditures in such detail and according to such form as the Ministry may from time to time prescribe.

Allowance
to be made
in estimates

(2) In preparing the estimates, the County Council shall make due allowance for a surplus of any previous year that will be available during the current year and shall provide for any operating deficit of any previous year and for such reserves within such limits as to type and as the Ministry may approve.

(3) The surplus or operating deficit for which the County Council shall make due allowance in preparing the estimates for the year 1975 shall be the audited surplus or operating deficit of the County on the 31st day of December, 1974, and shall include any surplus contribution made under subsection 5.

Surplus or
operating
deficit
of County
Council in
1974

(4) The amount by which any operating deficit existing for the County on the 31st day of December, 1974 exceeds the total of such County's reserves on such date shall become a charge on the municipalities that levied rates for such County in the same proportion as the last apportionment made for County purposes, and shall be paid in such proportions to the County by the appropriate area municipalities not later than the 30th day of June, 1975.

Operating
deficit,
County of
Oxford

(5) Where an operating surplus exists for the County on the 31st day of December, 1974, or where an operating deficit exists on such date that does not exceed the total of such County's reserves on such date, a sum shall be determined equivalent to,

Surplus
contribution,
City of
Woodstock,
Town of
Ingersoll

(a) the audited surplus of the County together with the total of the County's reserves on such date; or

(b) the total of the County's reserves less the audited deficit of the County on such date,

and such sum shall be apportioned between the City of Woodstock and the Town of Ingersoll in the proportion that the weighted equalized assessment for each municipality respectively, as ascertained under section 81 for the purpose of apportioning the County levy for 1975, bears to the total weighted, equalized assessment so ascertained for the two municipalities, and the amount apportioned to each municipality shall be paid by the municipality to the County not later than the 30th day of June, 1975.

(6) Section 43 of *The Assessment Act* and section 606 of *The Municipal Act* apply *mutatis mutandis* to the County.

Application of
R.S.O. 1970,
cc. 32, 284

81.—(1) The County Council in each year shall, subject to sections 76 and 77, levy against the area municipalities a sum sufficient,

Levy on
area
municipi-
palities

(a) for payment of the estimated current annual expenditures as adopted; and

(b) for payment of all debts of the County falling due within the year as well as amounts required to be

raised for sinking funds and principal and interest payments or sinking fund requirements in respect of debenture debt of area municipalities for the payment of which the County is liable under this Act.

Apportion-
ment

(2) The County Council shall ascertain and by by-law direct what portion of the sum mentioned in subsection 1 shall be levied against and in each area municipality.

Idem

(3) Subject to subsection 9, all amounts levied under subsection 1 shall be apportioned among the area municipalities in the proportion that the whole rateable property in each area municipality bears to the whole rateable property in the County, according to the last revised assessment rolls.

Assessment

(4) The Ministry of Revenue shall revise, equalize and weight the last revised assessment rolls of the area municipalities and, for the purpose of subsection 3, the last revised assessment rolls for the area municipalities as so revised, equalized and weighted by the Ministry of Revenue shall be deemed to be the last revised assessment rolls of the area municipalities.

Copy to
County and
area municipi-
palities

(5) Upon completion by the Ministry of Revenue of the revision, equalization and weighting of assessment, the Ministry of Revenue shall notify the County and each of the area municipalities of the revised, equalized and weighted assessment of each area municipality.

Appeal

(6) If any area municipality is not satisfied with the assessment as revised, equalized and weighted by the Ministry of Revenue, the area municipality may appeal from the decision of the Ministry of Revenue by notice in writing to the Municipal Board at any time within thirty days after the notice of the revised, equalized and weighted assessment was sent to the area municipality by the Ministry of Revenue.

Idem

(7) Every notice of revision, equalization and weighting made under this section shall set out the time within which an appeal may be made to the Municipal Board with respect to such revision, equalization and weighting.

Amendment
of by-law
where
necessary
following
appeal

(8) Where the last revised assessment of the area municipality has been revised, equalized and weighted by the Ministry of Revenue and has been appealed, the County Council shall forthwith after the decision of the Municipal Board on such appeal, amend, if required, the by-law passed under subsection 2 so as to make the apportionments among the area municipalities according to the assessments as revised by the Municipal Board upon such appeal, and,

- (a) where the moneys levied against an area municipality are thereby increased, the treasurer of the area municipality shall pay the amount of the increase to the treasurer of the County; and
- (b) where the moneys levied against an area municipality are thereby decreased, the treasurer of the area municipality shall be liable to pay the treasurer of the County only the reduced levy or, if the original levy has been paid by the area municipality, the treasurer of the County shall pay the amount of the decrease to the treasurer of the area municipality.
- (9) The apportionment of the levy among the area municipalities as provided for in subsections 2 and 3 shall be based on the full value of all rateable property, and, notwithstanding any general or special Act, no fixed assessment other than a fixed assessment under section 31 of *The Assessment Act*, or partial or total exemption from assessment or taxation applies thereto, except as provided in section 3 of *The Assessment Act*. Fixed assessments, etc., not to apply
R.S.O. 1970, c. 32
- (10) The assessment upon which the levy shall be apportioned among the area municipalities shall include the valuations of all properties for which payments in lieu of taxes which include a payment in respect of County levies are paid by the Crown in right of Canada or any province or any board, commission, corporation or other agency thereof or Ontario Hydro to any area municipality and the amount by which the assessment of an area municipality shall be deemed to be increased by virtue of payments under sections 304 and 304a of *The Municipal Act* and section 4 of *The Provincial Parks Municipal Tax Assistance Act, 1971* and subsection 2 of section 3 of *The Property Tax Stabilization Act, 1973*. Assessment to include valuations on properties for which payments in lieu of taxes paid
R.S.O. 1970, c. 284,
1971, c. 78,
1973, c. 73
- (11) Within fourteen days of a request by the Ministry of Revenue, the clerk of an area municipality shall transmit to the said Ministry a statement of the payments referred to in subsection 10 and the said Ministry shall revise, equalize and weight the valuations of these payments and shall notify the County and the appropriate area municipality of such valuations. Valuation of properties
- (12) One by-law or several by-laws for making the levies may be passed as the County Council may consider expedient. Levy by-laws
- (13) Subject to subsections 4, 5 and 6 of section 47 of *The Assessment Act*, in each area municipality the County levy shall be calculated and levied upon the whole rateable County levy

property rateable for such purpose within such area municipality according to the last revised assessment roll thereof.

Payment

(14) All moneys levied against an area municipality under the authority of this section shall be deemed to be taxes and are a debt of the area municipality to the County and the treasurer of every area municipality shall pay the moneys so levied to the treasurer of the County at the times and in the amounts specified by the by-law of the County Council mentioned in subsection 2.

Default

(15) If an area municipality fails to make any payment as provided in the by-law, interest shall be added at the rate of 12 per cent per annum or such lower rate as the County Council determines, from the date payment is due until it is made.

Equalized
assessment
of merged
areas

82.—(1) The Ministry of Revenue shall revise, equalize and weight each part of the last revised assessment roll of the area municipalities that relates to a merged area and each such part of the last revised assessment roll of each of the area municipalities as revised, equalized and weighted is final and binding.

Notice

(2) Upon completion by the Ministry of Revenue of the revision, equalization and weighting of assessment in an area municipality under subsection 1, the Ministry of Revenue shall notify the area municipality of the revised, equalized and weighted assessment.

Apportion-
ment among
merged areas

R.S.O. 1970,
cc. 405, 284,
32

(3) Notwithstanding section 7 of *The Regional Municipal Grants Act*, the net County levy and the sums adopted in accordance with section 307 of *The Municipal Act* for all purposes, excluding school purposes, levied against the whole rateable property of an area municipality shall be apportioned among the merged areas of such area municipality in the proportion that the total equalized and weighted assessment of each merged area bears to the total equalized and weighted assessment of the area municipality both according to the last revised assessment roll as equalized and weighted by the Ministry of Revenue under subsection 1, and subsection 9 of section 35 of *The Assessment Act* shall not apply to any apportionment by an area municipality under this subsection.

Determina-
tion of rates

(4) The rates to be levied in each merged area shall be determined in accordance with subsection 2 of section 7 of *The Regional Municipal Grants Act*.

Levy by
County
Council
before
estimates
adopted

83.—(1) Notwithstanding section 81, in the year 1975, the County Council may, before the adoption of the estimates

for that year, levy against the area municipalities a sum not exceeding 25 per cent of the aggregate levies made by all local municipalities within the County in the year 1974 for general municipal and county purposes, and any amount so levied shall be apportioned among the area municipalities in the same manner as levies made under subsection 1 of section 81 and subsections 14 and 15 of section 81 apply to such levy and, if in the opinion of the County Council this would cause undue hardship in any area municipality, the County Council may reduce the amount otherwise payable under this subsection by such area municipality.

(2) Notwithstanding section 81, in 1976 and in subsequent^{Idem} years, the County Council may, before the adoption of estimates for that year, levy against each of the area municipalities a sum not exceeding 50 per cent of the levy made by the County Council in the preceding year against that area municipality and subsections 14 and 15 of section 81 apply to such levy.

(3) The amount of any levy made under subsection 1 or 2^{Levy under s. 81 to be reduced} shall be deducted from the amount of levy made under section 81.

(4) Notwithstanding section 82, the council of an area^{Levy by area municipality} municipality may in any year, before the adoption of the estimates for that year, levy in each of the merged areas^{before estimates adopted} in the area municipality, on the whole of the assessment for real property including business assessment in the merged area according to the last revised assessment roll, a sum not exceeding in 1975, 75 per cent and in all subsequent years 50 per cent of that which would be produced by applying to such assessment the total rate for all purposes levied in the merged area in the preceding year on residential real property of public school supporters.

(5) The amount of any levy under subsection 4 shall be^{Levy under s. 81, to be reduced} deducted from the amount of the levy made under section 81.

(6) Subsection 4 of section 303 of *The Municipal Act*^{Application of R.S.O. 1970, c. 284, s. 303 (4)} applies to levies made under this section.

(7) The Ministry of Revenue, for the purposes of a levy^{Preliminary assessment} under subsection 1, shall complete a preliminary assessment and such assessment shall be deemed to be the revised equalized and weighted assessment under subsection 4 of section 81.

(8) The Ministry of Revenue shall notify the County and^{Notice} each area municipality of the preliminary assessment referred

to in subsection 7, on or before the 31st day of January, 1975.

Rates under
R.S.O. 1970,
c. 430

84.—(1) For the purposes of levying taxes under *The Separate Schools Act*, the merged areas of an area municipality shall be deemed to be municipalities, and the council of the area municipality shall be deemed to be the council of each such merged area.

Rates for
public
school
purposes on
commercial
assessment
R.S.O. 1970,
c. 424

(2) The amount required to be levied and collected by an area municipality for public school purposes on commercial assessment determined as a result of the application of section 78 of *The Schools Administration Act* shall be apportioned among the merged areas in the ratio that the total commercial assessment for public school purposes in each merged area bears to the total commercial assessment for public school purposes in the area municipality, both as equalized and weighted by the Ministry of Revenue in accordance with subsection 1 of section 82.

Rates for
public
school
purposes on
residential
assessment
R.S.O. 1970,
c. 424

(3) The amount required to be levied and collected by an area municipality for public school purposes on residential assessment determined as a result of the application of section 78 of *The Schools Administration Act* shall be apportioned among the merged areas in the ratio that the total residential assessment for public school purposes in each merged area bears to the total residential assessment for public school purposes in the area municipality, both as equalized and weighted by the Ministry of Revenue in accordance with subsection 1 of section 82.

Rates for
secondary
school
purposes on
commercial
assessment

(4) The amount required to be levied and collected by an area municipality for secondary school purposes on commercial assessment determined as a result of the application of section 78 of *The Schools Administration Act* shall be apportioned among the merged areas in the ratio that the total commercial assessment for secondary school purposes in each merged area bears to the total commercial assessment for secondary school purposes in the area municipality, both as equalized and weighted by the Ministry of Revenue in accordance with subsection 1 of section 82.

Rates for
secondary
school
purposes on
residential
assessment

(5) The amount required to be levied and collected by an area municipality for secondary school purposes on residential assessment determined as a result of the application of section 78 of *The Schools Administration Act* shall be apportioned among the merged areas in the ratio that the total residential assessment for secondary school purposes in each merged area bears to the total residential assessment for secondary school purposes in the area municipality, both

as equalized and weighted by the Ministry of Revenue in accordance with subsection 1 of section 82.

(6) Notwithstanding subsections 2, 3, 4 and 5, where, in any year, a regulation is in force under section 33 of *The Secondary Schools and Boards of Education Act*, the apportionments referred to in the said subsections 2, 3, 4 and 5 shall be made in accordance with such regulation. Regulations under R.S.O. 1970, c. 425 to apply

ADJUSTMENTS

85.—(1) The Minister may provide from time to time by order that, in the year or years and in the manner specified in the order, the council of any area municipality shall levy, on the whole of the assessment for real property and business assessment according to the last revised assessment roll in any specified merged area or areas, rates of taxation for general purposes which are different from the rates which would have been levied for such purposes but for the provisions of this section. Transitional adjustments

86.—(1) For the purpose of subsection 2 of section 307 of *The Municipal Act*, the surplus of the previous year for which allowance is to be made or the operating deficit to be provided for in the estimates of the council of an area municipality for the year 1975 shall be the aggregate of the audited surpluses or operating deficits of each of the merged areas of that area municipality. Allowances to be made in estimates of area municipalities in 1975 R.S.O. 1970, c. 284

(2) For the purpose of subsection 1, the audited surplus or operating deficit of a merged area that before the 1st day of January, 1975 comprised the whole of a local municipality shall be the audited surplus or operating deficit of such local municipality at the 31st day of December, 1974. Merged areas

(3) For the purpose of subsection 1, the audited surplus or operating deficit of a merged area that before the 1st day of January, 1975 comprised part of a local municipality shall be an amount that is the same proportion of the audited surplus or operating deficit of the local municipality that the amount of the assessment of the merged area is of the total amount of the assessment of the local municipality, both according to the last revised assessment roll. Idem

(4) For the purposes of this section and section 87, the audited surplus or operating deficit of a local municipality on the 31st day of December, 1974 shall be reduced or increased, as the case may be, by any payment required under subsection 4 of section 80. Adjustment for payment under s. 87

Interpre-
tation

R.S.O. 1970,
c. 284

Surplus or
deficit at
December 31,
1974 to be
applied to
supporting
assessment

87.—(1) In this section, “surplus or operating deficit” includes any reserves provided for under section 2 of section 307 of *The Municipal Act*.

(2) The audited surplus or operating deficit of a local municipality at the 31st day of December, 1974 shall accrue to the credit of or become a charge on the assessment supporting such surplus or operating deficit and shall be provided for by adjustment of the tax rate over a period not exceeding five years from the 1st day of January, 1975.

Committees
of
arbitrators

88.—(1) The Minister may appoint committees of arbitrators for the purpose of determining the disposition, including the physical possession, of the assets and liabilities, including reserve funds, of any divided municipality.

Idem

(2) Each committee shall consist of the treasurers of the municipalities concerned with the disposition of particular assets and liabilities and reserve funds, or such other person or persons as the Minister may appoint.

Provisional
determina-
tion

(3) Before the 31st day of December, 1974, the committees shall, where appropriate, make provisional determinations of the disposition of the known assets, liabilities and reserve funds, and these dispositions shall become operative from the 1st day of January, 1975.

Final
determina-
tion

(4) As soon as possible thereafter, the committees where appropriate, shall make final determinations of the disposition of assets, liabilities and reserve funds as at the 31st day of December, 1974, together with determinations of any financial adjustments which may be necessary.

Notice

(5) The final determination made under subsection 4 shall be forwarded forthwith to the municipalities concerned, the County and the Municipal Board and unless the council of any such municipality or the County notifies the Municipal Board in writing within thirty days of the mailing of such determination that it objects to the determination, such determination shall, for the purposes of clause *a* of subsection 11 of section 14 of *The Municipal Act*, be deemed to be agreed upon by such municipalities and the County.

Idem

(6) The final determination of a disposition or an adjustment under this section shall set out the time within which an appeal may be made to the Municipal Board with respect to such determination.

Documents
and records

(7) All documents and records kept by the clerk or treasurer or other officer of each divided municipality shall

be transferred to the clerk or treasurer or other officer, as the case may be, of the area municipality designated by the appropriate committee established under subsection 1, and such documents and records shall be made available to any official of any municipality to which any other portion of the divided municipality is transferred, during the normal office hours of the municipality to which they are transferred.

(8) Notwithstanding the provisions of sections 80, 87 ^{Period of adjustment} and this section, the Minister may prescribe the period over which any adjustments and settlements made thereunder are to be made.

RESERVE FUNDS

89.—(1) Reserve funds established by local municipalities ^{Reserve funds of municipalities} for purposes for which the County has authority to spend funds and for which the council of an area municipality has no authority to spend funds are reserve funds of the County and the assets of such reserve funds are vested in the County.

(2) Reserve funds established by local municipalities, ^{Idem} other than divided municipalities, for purposes for which the councils of area municipalities have authority to spend funds and for which the County has no authority to spend funds are reserve funds of the area municipality of which the local municipality forms a part and the assets of such reserve funds are vested in such area municipality.

TEMPORARY LOANS

90.—(1) Section 332 of *The Municipal Act* applies *mutatis mutandis* to the County. ^{Application of R.S.O. 1970, c. 284, s. 332}

(2) In 1975, for the purposes of subsection 4 of section 332 ^{Current borrowings} of *The Municipal Act*, the amount that may be borrowed at any one time prior to the adoption of the estimates for that year shall be such amount as may be approved by the Minister.

DEBT

91.—(1) Subject to the limitations and restrictions in ^{Debt} this Act and *The Ontario Municipal Board Act*, the County ^{R.S.O. 1970, c. 323} Council may borrow money for the purposes of,

(a) the County;

(b) any area municipality;

- (c) the joint purposes of any two or more area municipalities,

whether under this or any general or special Act, and may issue debentures therefor on the credit of the County.

Liability

(2) All debentures issued pursuant to a by-law passed by the County Council under the authority of this Act are direct, joint and several obligations of the County and the area municipalities notwithstanding the fact that the whole or any portion of the rates imposed for the payment thereof may have been levied only against one or more of the area municipalities, but nothing in this subsection affects the rights of the County and of the area municipalities respectively as among themselves.

Limitation

(3) Notwithstanding any general or special Act, no area municipality has, after the 31st day of December, 1974, power to issue debentures.

Uncompleted works

(4) When an area municipality, on or before the 31st day of December, 1974,

R.S.O. 1970,
c. 323

(a) has applied for and obtained the final approval of the Municipal Board in respect of any work, project or other matter mentioned in subsection 1 of section 64 of *The Ontario Municipal Board Act*; and

(b) has entered into a contract for or authorized the commencement of such work, project or matter but has not prior to that date issued the debentures authorized,

the County Council upon the request of the council of the area municipality, shall pass a by-law authorizing the issue and sale of debentures of the County for the purposes and in the amount approved by the Municipal Board and shall, if required by the area municipality, issue such debentures and provide temporary financing for the area municipality in the manner provided in section 94 and no further approval of the Municipal Board is required.

Bonds,
debentures,
etc., trustee
investments
R.S.O. 1970,
c. 470

(5) Bonds, debentures and other evidences of indebtedness of the County shall be deemed to be bonds, debentures and other evidences of indebtedness of a municipal corporation for the purposes of *The Trustees Act*.

Power to
incur debt
or issue
debentures

92. Subject to the limitations and restrictions in this Act and *The Ontario Municipal Board Act*, the County

may by by-law incur a debt or issue debentures for the purposes set forth in subsection 1 of section 91 and, notwithstanding any general or special Act, such by-law may be passed without the assent of the electors of the County.

93.—(1) Where, under any general or special Act, an area^{Idem} municipality cannot incur a debt or issue debentures for a particular purpose without the assent of its electors or without the concurrence of a specified number of the members of its council, the County Council shall not pass a by-law authorizing the issue of debentures on behalf of such area municipality for such purpose unless such assent or concurrence to the passing of the by-law by the County Council has been obtained.

(2) Nothing in subsection 1 requires the assent of any^{Proviso R.S.O. 1970, c. 323} electors where such assent has been dispensed with under section 63 of *The Ontario Municipal Board Act*.

94.—(1) Where the Municipal Board has authorized the^{Borrowing pending issue and sale of debentures} borrowing of money and the issue of debentures by the County for its purposes, the County Council pending the issue and sale of the debentures may agree with a bank or person for temporary advances from time to time to meet expenditures incurred for the purpose authorized, and may by by-law pending the sale of such debentures or in lieu of selling them authorize the chairman and treasurer to raise money by way of loan on the debentures and to hypothecate them for the loan.

(2) When the Municipal Board has authorized the borrow-^{Idem} ing of money and the issue of debentures by the County for the purposes of an area municipality, the County Council or the council of the area municipality pending the issue and sale of the debentures may, and the County Council on the request of the area municipality shall, agree with a bank or person for temporary advances from time to time to meet expenditures incurred for the purposes authorized, and the County Council may, or on the request of the area municipality shall, pending the sale of such debentures or in lieu of selling them, authorize the chairman and treasurer to raise money by way of loan on the debentures and to hypothecate them for the loan, and shall transfer the proceeds of such advance or loan to the area municipality.

(3) The County may charge interest on any proceeds of an^{Interest on proceeds transferred} advance or loan transferred under subsection 2 at a rate sufficient to reimburse it for the cost of such advance or loan.

Application
of proceeds
of loan

(4) The proceeds of every advance or loan under this section shall be applied to the purposes for which the debentures were authorized, but the lender shall not be bound to see to the application of the proceeds and, if the debentures are subsequently sold, the proceeds of the sale shall be applied first in repayment of the loan and, where the debentures were issued for the purposes of an area municipality, the balance, subject to section 106 shall be transferred to the area municipality.

Hypotheca-
tion not to
prevent sub-
sequent sale
of debentures

(5) Subject to subsection 4, the redemption of a debenture hypothecated does not prevent the subsequent sale thereof.

Principal
and interest
payments

95.—(1) Subject to subsection 2, a money by-law for the issuing of debentures shall provide that the principal shall be repaid in annual instalments with interest annually or semi-annually upon the balances from time to time remaining unpaid, but the by-law may provide for annual instalments of combined principal and interest.

Sinking
fund
debentures

(2) A money by-law for the issuing of debentures may provide that the principal shall be repaid at a fixed date with interest payable annually or semi-annually, in which case debentures issued under the by-law shall be known as sinking fund debentures.

When
debentures
to be
payable

(3) Notwithstanding any general or special Act, the whole debt and the debentures to be issued therefor shall be made payable within such term of years as the Municipal Board may approve.

Special levy
against area
municipi-
palities

(4) The by-law may provide for raising in each year, by special levy or levies against one or more area municipalities, the whole or specified portions of the sums of principal and interest payable under the by-law in such year, and each area municipality shall pay to the County such sums at the times and in the amounts specified in the by-law.

General
levy

(5) The by-law shall provide for raising in each year, by a special levy on all the area municipalities, the sums of principal and interest payable under the by-law in such year to the extent that such sums have not been provided for by any special levy or levies against any area municipality or municipalities made especially liable therefor by the by-law.

Levy by
area municipi-
palities

(6) Any special levy against an area municipality imposed by the by-law under the authority of subsection 4 may be levied by the area municipality against persons or property in the same manner and subject to the same limitations as if it were passing a by-law authorizing the issue of debentures

of the area municipality for the same purpose for the portion of the debt levied against it under subsection 4.

(7) Notwithstanding subsection 5, the County Council may by by-law,

- (a) authorize the borrowing of money by the issue of instalment debentures, the last instalment of which shall mature not earlier than ten years after the date upon which they are issued, and a specified sum of principal payable thereunder in the final year shall be raised by the issue of refunding debentures as provided in clause *b*, and it shall not be necessary to raise by special rate in the year of maturity of the debentures to be refunded an amount equal to the specified principal amount of the debentures which are being refunded; and
- (b) authorize the issue of debentures to refund at maturity outstanding debentures of the municipality, provided that the refunding debentures shall be payable within the maximum period of years that was approved by the order of the Municipal Board for the repayment of debentures issued for the debt for which the outstanding debentures were issued, commencing on the date of the debentures originally issued for such debt,

and any such by-law shall provide that the sums of principal and interest payable under the by-law shall be raised by a special levy or levies against such area municipality or municipalities as may be specified in the by-law and such levy shall be levied against the same area municipality or municipalities in each case.

(8) Any special levy against an area municipality imposed by the by-law under the authority of subsection 7 may be levied by the area municipality against persons or property in the same manner and subject to the same limitations as if it were passing a by-law authorizing the issue of debentures of the area municipality for the same purpose for the portion of the debt levied against it under subsection 7, and any levy imposed by a by-law under clause *b* of subsection 7 shall be levied by the area municipality against the same persons or property as the levy imposed by the related by-law under clause *a* of subsection 7 was levied.

(9) All levies imposed by the by-law against an area municipality are a debt of the area municipality to the County.

By-law to
change
mode of
issuing
debentures

(10) The County Council may by by-law authorize a change in the mode of issue of the debentures and may provide that the debentures be issued with coupons instead of in amounts of combined principal and interest or *vice versa*, and where any debentures issued under the by-law have been sold, pledged or hypothecated by the County Council upon again acquiring them or at the request of any holder of them, may cancel them and issue one or more debentures in substitution for them, and make such new debenture or debentures payable by the same or a different mode on the instalment plan, but no change shall be made in the amount payable in each year.

Debentures,
when to be
dated and
issued

(11) All the debentures shall be issued at one time and within two years after the passing of the by-laws unless, on account of the proposed expenditure for which the by-law provides being estimated or intended to extend over a number of years and of its being undesirable to have large portions of the money in hand unused and uninvested, in the opinion of the County Council it would not be of advantage to so issue them, and in that case the by-law may provide that the debentures may be issued in sets of such amounts and at such times as the circumstances require, but so that the first of the sets shall be issued within two years, and all of them within five years, after the passing of the by-law.

Date of
debentures

(12) All the debentures shall bear the same date, except where they are issued in sets, in which case every debenture of the same set shall bear the same date.

Idem

(13) Notwithstanding the provisions of the by-law, the debentures may bear date at any time within the period of two years or five years, as the case may be, mentioned in subsection 11 and the debentures may bear date before the date the by-law is passed if the by-law provides for the first levy being made in the year in which the debentures are dated or in the next succeeding year.

Extension
of time
for issue

(14) The Municipal Board, on the application of the County Council, the council of any area municipality or any person entitled to any of the debentures or of the proceeds of the sale thereof, may at any time extend the time for issuing the debentures beyond the two years, or the time for the issue of any set beyond the time authorized by the by-law.

Application
after time
expired

(15) The extension may be made although the application is not made until after the expiration of the two years or of the time provided for the issue of the set.

(16) Unless the by-law names a later day when it is to take effect, it takes effect on the day of its passing.

Effective
date

(17) Notwithstanding any general or special Act, the County Council may borrow sums for two or more purposes in one debenture by-law and provide for the issue of one series of debentures therefor.

Consolida-
tion

(18) Section 290 of *The Municipal Act* applies *mutatis mutandis* to the County.

Consoli-
dating
debenture
by-laws
R.S.O. 1970,
c. 284

(19) The by-law may provide that all the debentures or a portion thereof shall be redeemable at the option of the County on any date prior to maturity, subject to the following provisions:

Redemption
before
maturity

1. The by-law and every debenture that is so redeemable shall specify the place or places of payment and the amount at which such debenture may be so redeemed.
2. The principal of every debenture that is so redeemable becomes due and payable on the date set for the redemption thereof, and from and after such date interest ceases to accrue thereon where provision is duly made for the payment of principal thereof, the interest to the date set for redemption and any premium payable on redemption.
3. Notice of intention so to redeem shall be sent by prepaid mail at least thirty days prior to the date set for such redemption to the person in whose name the debenture is registered at the address shown in the Debenture Registry Book.
4. At least thirty days prior to the date set for such redemption notice of intention so to redeem shall be published in *The Ontario Gazette* and in a daily newspaper of general circulation in the County and in such other manner as the by-law may provide.
5. Where only a portion of the debentures issued under the by-law is so to be redeemed, such portion shall comprise only the debentures that have the latest maturity dates and no debentures issued under the by-law shall be called for such redemption in priority to any debentures that have a later maturity date.

6. Where a debenture is redeemed on a date prior to maturity, such redemption does not affect the validity of any by-law by which special assessments are imposed or instalments thereof levied, the validity of such special assessments or levies, or the powers of the County Council to continue to levy and collect from any area municipality the subsequent payments of principal and interest payable by it to the County Council in respect of the debenture so redeemed.

Currency

(20) The by-law may provide that the debentures to be issued thereunder shall be expressed and be payable,

- (a) in lawful money of Canada and payable in Canada; or
- (b) in lawful money of the United States of America and payable in the United States of America; or
- (c) in lawful money of Great Britain and payable in Great Britain; or
- (d) subject to the prior approval of the Lieutenant Governor in Council, in a currency other than that of Canada, the United States of America or Great Britain.

Annual rates

(21) Where under the provisions of the by-law debentures issued thereunder are expressed and made payable in lawful money of the United States of America or of Great Britain, or in any currency other than that of Canada, the County Council may in such by-law or in any amending by-law in lieu of providing for the raising in each year during the currency of the debentures specific sums sufficient to pay interest thereon or instalments of principal falling due in such year, provide that there shall be raised such yearly amount as may be necessary for such purposes and as the requirements for such purposes may from year to year vary.

Principal levies

(22) When sinking fund debentures are issued, the amount of principal to be raised in each year shall be a specific sum which, with the estimated interest at a rate not exceeding 5 per cent per annum, capitalized yearly, will be sufficient to pay the principal of the debentures or any set of them, when and as it becomes due.

Consolidated bank accounts

(23) When sinking fund debentures are issued, the sinking fund committee shall keep one or more consolidated bank accounts in which,

- (a) the treasurer of the County shall deposit each year during the term of the debentures the moneys raised for the sinking fund of all debts that are to be paid by means of sinking funds; and
- (b) there shall be deposited all earnings derived from, and all proceeds of the sale, redemption or payment of, sinking fund investments.

(24) When sinking fund debentures are issued, there shall be a sinking fund committee that shall be composed of the treasurer of the County and two members appointed by the County Council, and the two appointed members may be paid, out of the current fund of the County, such annual remuneration as the County Council determines. ^{Sinking fund committee}

(25) The County Council may appoint an alternate member for such of the appointed members and any such alternate member has all the powers and duties of the member in the absence or inability to act of such member. ^{Alternate members}

(26) The treasurer of the County shall be the chairman and the treasurer of the sinking fund committee and in his absence the appointed members may appoint one of themselves as acting chairman and treasurer. ^{Chairman}

(27) Each member of the sinking fund committee shall, before entering into the duties of his office, give security for the faithful performance of his duties and for duly accounting for and paying over all moneys that come into his hands, in such amount as the auditor of the County shall determine, and in other respects the provisions of section 233 of *The Municipal Act* apply with respect to such security. ^{Security} R.S.O. 1970, c. 284

(28) Two members of the sinking fund committee are a quorum, and all investments and disposals of investments must be approved by a majority of all the members of the committee. ^{Quorum}

(29) All assets of the sinking fund, including all consolidated bank accounts, shall be under the sole control and management of the sinking fund committee. ^{Control of sinking fund assets}

(30) All withdrawals from the consolidated bank accounts shall be authorized by the sinking fund committee, and all cheques on the consolidated bank accounts shall be signed by the chairman or acting chairman and one other member of the sinking fund committee. ^{Withdrawals from bank accounts}

(31) The sinking fund committee shall invest any moneys on deposit from time to time in the consolidated bank ^{Investments}

accounts and may at any time or times vary any investments.

Idem

(32) The moneys in the consolidated bank accounts shall be invested in one or more of the following forms,

R.S.O. 1970,
c. 470

(a) in securities in which a trustee may invest under *The Trustee Act*;

(b) in debentures of the County;

(c) in temporary advances to the County pending the issue and sale of any debentures of the County;

(d) in temporary loans to the County for current expenditures, but no loan for such purpose shall be made for a period ending after the end of the calendar year in which the loan is made.

Deposit of
securities
with
Treasurer
of Ontario

(33) Any securities acquired by the sinking fund committee as investments for sinking fund purposes may be deposited with the Treasurer of Ontario.

Release of
securities
by Treasurer
of Ontario

(34) The Treasurer of Ontario shall release, deliver or otherwise dispose of any security deposited with him under subsection 33 only upon the direction in writing of the sinking fund committee.

Sinking
fund
accounts

(35) All sinking fund debentures issued on the same date, payable in the same currency, and maturing on the same date, notwithstanding they are issued under one or more by-laws shall be deemed one debt and be represented by one sinking fund account.

Earnings
credited
to sinking
fund
accounts

(36) That portion of the amount of all earnings in any year, on an accrual basis, from sinking fund investments obtained by,

(a) multiplying the amount of all such earnings by the amount of the capitalized interest for that year under subsection 22 with respect to the principal raised up to and including such year for all sinking fund debentures represented by any sinking fund account; and

(b) dividing the product obtained under clause *a* by the amount of all capitalized interest for that year under subsection 22 with respect to all principal raised up to and including such year for all outstanding sinking fund debentures,

shall be credited to the sinking fund account mentioned in clause *a*.

(37) The treasurer of the County shall prepare and lay before the County Council in each year, before the annual County levies are made, a statement showing the sums that the County Council will be required, by by-law, to raise for sinking funds in that year. ^{Sinking fund requirements}

(38) If the treasurer of the County contravenes sub-section 23 or 37, he is guilty of an offence and on summary conviction is liable to a fine of not more than \$250. ^{Offence}

(39) If the County Council neglects in any year to levy the amount required to be raised for a sinking fund, each member of the County Council is disqualified from holding any municipal office for two years, unless he shows that he made reasonable efforts to procure the levying of such amount. ^{Failure to levy}

(40) Notwithstanding this or any other Act or by-law if it appears at any time that the amount at the credit of any sinking fund account will be more than sufficient, with the estimated earnings to be credited thereto under subsection 36 together with the levy required to be made by the by-law or by-laws that authorized the issue of the debentures represented by such sinking fund account, to pay the principal of the debt represented by such sinking fund account when it matures, the Municipal Board, on the application of the sinking fund committee, the County Council or the council of an area municipality, may authorize the County Council or the council of an area municipality to reduce the amount of money to be raised with respect to such debt in accordance with the order of the Municipal Board. ^{Where amount in sinking fund account more than sufficient to pay debt}

(41) No money collected for the purpose of a sinking fund shall be applied towards paying any part of the current or other expenditure of the County or otherwise than is provided in this section. ^{No diversion of sinking funds}

(42) When there is a surplus in a sinking fund account, the sinking fund committee shall, ^{Surplus}

(a) use the surplus to increase the amount at the credit of another sinking fund account; or

(b) authorize the withdrawal of the surplus from the consolidated bank accounts, and the surplus shall be used for one or more of the following purposes,

(i) to retire unmatured debentures of the County or of an area municipality,

(ii) to reduce the next annual levy on account of principal and interest payable with respect to debentures of the County or an area municipality,

(iii) to reduce the amount of debentures to be issued for other capital expenditures for which the issue of debentures has been approved by the Municipal Board,

and the surplus shall be used under either clause *a* or *b* for the purposes of the County or an area municipality in the proportion that the amount of the contribution for the purposes of each bears to the total contributions to the sinking fund account in connection with which the surplus arose.

Deficit and
surplus

(43) Notwithstanding that any sinking fund debentures have been issued for the purposes of one or more area municipalities, any deficit in the sinking fund account shall be provided by the County out of its current funds and any surplus in the sinking fund account shall be used as provided in subsection 42.

Term
debentures

(44) A money by-law may authorize the issue of debentures of which a portion shall be payable on a fixed date with interest payable annually or semi-annually, in which case such debentures shall be known as term debentures.

Amounts
to be raised
annually

(45) In respect of the term debentures, the by-law shall provide for raising,

(a) in each year of the currency of the term debentures a sum sufficient to pay the interest on the term debentures; and

(b) in each year of the currency of the term debentures in which no other debentures issued under the same by-law become due and payable, a specific amount to form a retirement fund for the term debentures which, with interest at a rate not to exceed 5 per cent per annum compounded yearly, will be sufficient to pay the principal of the term debentures at maturity.

Retirement
fund

(46) The retirement fund for the term debentures shall be administered by the sinking fund committee in all respects in the same manner as a sinking fund established under this section and the provisions of subsections 25 to

41 of this section with respect to a sinking fund shall apply *mutatis mutandis* to such retirement fund.

96.—(1) If the Municipal Board is of the opinion that the current rate of interest so differs from the rate of interest payable on any debentures that remain unsold or undisposed of that the sale or disposal thereof may substantially decrease or increase the amount required to be provided under the by-law under which such debentures were issued, the Municipal Board may authorize the County Council to pass a by-law to amend such by-law so as to provide for,

When rate
of interest
may be
varied

- (a) a different rate of interest;
- (b) a change in the amount to be raised annually and, if necessary, in the special levies;
- (c) such other changes in such by-law or any other by-law as to the Municipal Board may seem necessary to give effect thereto;
- (d) the issue of new debentures to bear interest at the amended rate in substitution and exchange for such first-mentioned debentures; and
- (e) the cancellation of such first-mentioned debentures upon the issue of such new debentures in substitution and exchange therefor.

(2) For the purposes of this section, the hypothecation of debentures under section 94, shall not constitute a sale or other disposal thereof.

Hypotheca-
tion not a
sale under
this section

(3) The County Council may by one by-law authorized under subsection 1 amend two or more by-laws and provide for the issue of one series of new debentures in substitution and exchange for the debentures issued thereunder.

Consoli-
dation of
debentures

(4) A by-law passed under this section does not affect the validity of any by-law by which special assessments are imposed or instalments thereof levied, the validity of such special assessments or levies, or the powers of the County Council to continue to levy and collect from any area municipality the subsequent payments of principal and interest payable by it to the County Council.

Special
assessment
and levies

97.—(1) Where part only of a sum of money provided for by a by-law has been raised, the County Council

Repeal of
by-law when
part only
of money to
be raised

may repeal the by-law as to any part of the residue, and as a proportionate part of the amounts to be raised annually.

When to
take effect

(2) The repealing by-law shall recite the facts on which it is founded, shall provide that it shall take effect on the 31st day of December in the year of its passing, shall not affect any rates or levies due or penalties incurred before that day and shall not take effect until approved by the Municipal Board.

Until debt
paid certain
by-laws
cannot be
repealed

98.—(1) Subject to section 97, after a debt has been contracted under a by-law, the County Council shall not, until the debt and interest have been paid, repeal the by-law or any by-law appropriating, for the payment of the debt or the interest, the surplus income from any work or any interest therein, or money from any other source, and shall not apply to any other purpose any money of the County that has been directed to be applied to such payment.

Application
of payments

(2) When the County, by or under the authority of this Act, pays to an area municipality any amount of principal and interest becoming due upon any outstanding debentures issued by the area municipality, neither the council of the area municipality nor any officer thereof shall apply any of the moneys so paid for any purpose other than the payment of the amounts of principal and interest so becoming due.

Offence for
neglect of
officer to
carry out
by-law

99. Any officer of the County whose duty it is to carry into effect any of the provisions of a money by-law of the County who neglects or refuses to do so, under colour of a by-law illegally attempting to repeal or amend it, so as to diminish the amount to be raised annually under it, is guilty of an offence and on summary conviction is liable to a fine of not more than \$100.

Money
by-laws
may be
registered

100.—(1) Within four weeks after the passing of a money by-law, the clerk may register a duplicate original or a copy of it certified under his hand and the seal of the County in the appropriate land registry office.

Application
to quash
registered
by-law, when
to be made
R.S.O. 1970,
cc. 323, 136,
255

(2) Subject to section 61 of *The Ontario Municipal Board Act*, every by-law registered in accordance with subsection 1, or before the sale or other disposition of the debentures issued under it, and the debentures are valid and binding, according to the terms thereof, and the by-law shall not be quashed, unless within one month after the registration in the case of by-laws passed under *The Drainage Act* or

The Local Improvement Act, and in the case of other by-laws, within three months after the registration, an application or action to quash the by-law is made to or brought in a court of competent jurisdiction, and a certificate under the hand of the proper officer of the court and its seal, stating that such application has been made or action brought, is registered in such registry office within such period of three months or one month, as the case may be.

(3) After the expiration of the period prescribed by subsection 2, if no application or action to quash the by-law is made or brought, the by-law is valid and binding according to its terms. Time when by-law to be valid and binding

(4) If an application or action to quash the by-law is made or brought within the period prescribed by subsection 2, but part only of the by-law is sought to be quashed, the remainder of it, if no application or action to quash it is made or brought within that period, is after the expiration of that period, valid and binding according to its terms. Quashing part of by-law

(5) If the application or action is dismissed in whole or in part, a certificate of the dismissal may be registered, and after such dismissal and the expiration of the period prescribed by subsection 2, if it has not already expired, the by-law, or so much of it as is not quashed, is valid and binding according to its terms. Dismissal of application

(6) Nothing in this section makes valid a by-law passed without the assent of the electors of an area municipality as required by subsection 1 of section 93 or a by-law where it appears on the face of it that any of the provisions of subsection 5 of section 95 have not been substantially complied with. Illegal by-laws not validated

(7) Failure to register a by-law as prescribed by this section does not invalidate it. Failure to register

101.—(1) A debenture or other like instrument shall be sealed with the seal of the County, which seal may be engraved, lithographed, printed or otherwise mechanically reproduced thereon, and, subject to subsection 3, shall be signed by the chairman, or by some other person authorized by by-law of the County to sign it, and by the treasurer. Debentures, how sealed and executed

(2) A debenture may have attached to it interest coupons that shall be signed by the treasurer and his signature may be engraved, lithographed, printed or otherwise mechani- Interest coupons

cally reproduced thereon and such interest coupons are sufficiently signed if they bear the signature of the treasurer on the date the County Council authorized the execution of the debenture or on the date the debenture bears or at the time the debenture was issued and delivered.

Mechanical
reproduction
of signatures

(3) The signature of the chairman, or such other person authorized by by-law to sign the debentures or other like instruments, may be engraved, lithographed, printed or otherwise mechanically reproduced thereon, and if the debenture or other like instruments are countersigned in writing by a person authorized by by-law of the County to countersign, the signature of the treasurer may be engraved, lithographed, printed or otherwise mechanically reproduced thereon.

Effect of
mechanical
reproduction

(4) The seal of the County when so engraved, lithographed, printed or otherwise mechanically reproduced has the same force and effect as if manually affixed and the signature of the chairman or such other person authorized by by-law to sign the debentures or other like instruments and, if the debentures or other like instruments are countersigned, the signature of the treasurer when so engraved, lithographed, printed or otherwise mechanically reproduced shall be deemed the signature of the chairman or other person so authorized to sign or of the treasurer, as the case may be, and is binding upon the County.

Sufficiency
of signatures

(5) Any debenture or other like instrument is sufficiently signed and countersigned if it bears the signature of the persons provided in this section if such persons had authority to sign and countersign as provided in this section either on the date the County Council authorized the execution of such instrument or on the date such instrument bears or at the time it was issued and delivered.

Debentures
on which
payment has
been made
for one year
to be valid

102. Where the interest for one year or more on the debentures issued under a by-law and the principal of any debenture that has matured has been paid by the County, the by-law and the debentures issued under it are valid and binding upon the County.

Mode of
transfer
may be
prescribed

103.—(1) Where a debenture contains or has endorsed upon it provisions to the following effect:

This debenture, or any interest therein, is not, after a certificate of ownership has been endorsed thereon by the treasurer of this Corporation (or by such other person authorized by by-law of this Corporation to endorse such certificate of ownership),

transferable except by entry by the treasurer (or by such other person so authorized) in the Debenture Registry Book of the Corporation at the

.....

.....

of.....

the treasurer (or such other persons so authorized), on the application of the owner of the debenture or of any interest in it, shall endorse upon the debenture a certificate of ownership and shall enter in a book to be called the Debenture Registry Book, a copy of the certificate and of every certificate that is subsequently given, and shall also enter in such book a memorandum of every transfer of such debenture.

(2) A certificate of ownership shall not be endorsed on a debenture except by the written authority of the person last entered as the owner of it, or of his executors or administrators, or of his or their attorney, and, if the person last entered as owner of it is a corporation, the written authority of such corporation, or its successors, which authority shall be retained and filed by the treasurer. Requirements as to endorsing certificate of ownership

(3) After a certificate of ownership has been endorsed, the debenture, if it contains or has endorsed upon it a provision to the like effect of the provision contained in subsection 1, is transferable only by entry by the treasurer (or by such other person so authorized) in the Debenture Registry Book as and when a transfer of the debenture is authorized by the then owner of it or his executors or administrators or his or their attorney and, if the then owner of it is a corporation, the written authority of such corporation, or its successors. Transfer by entry in Debenture Registry Book

(4) A debenture may be registered as to both principal and interest, in which case the interest thereon shall be paid by cheque and the debenture may be referred to as a fully registered debenture. Fully registered debenture

104. Where a debenture is defaced, lost or destroyed, the County Council may by by-law provide for the replacing of the debenture on the payment of such fee and on such terms as to evidence and indemnity as the by-law may provide. Replacement of lost debentures

Exchange of
debentures

105.—(1) On request of the holder of any debenture issued by the County, the treasurer of the County may issue and deliver to such holder a new debenture or new debentures in exchange therefor for the same aggregate principal amount.

On request
of sinking
fund
committee

(2) On the request of the sinking fund committee, the treasurer of the County may, as provided in this section, exchange debentures, heretofore or hereafter issued by the County.

New debenture of same force and effect as debenture surrendered

(3) Any new debenture mentioned in subsection 1 may be registered as to principal and interest but in all other respects shall be of the same force and effect as the debenture or debentures surrendered for exchange.

Debentures
surrendered
for exchange
to be
cancelled

(4) The treasurer and auditor of the County shall cancel and destroy all debentures surrendered for exchange and shall certify in the Debenture Registry Book that they have been cancelled and destroyed and shall also enter in the Debenture Registry Book particulars of any new debenture issued in exchange.

Application
of proceeds
of debentures

106.—(1) The moneys received by the County from the sale or hypothecation of any debentures to the extent that such moneys are required for the purposes for which the debentures were issued, and for the repayment of any outstanding temporary loans with respect thereto, shall be used only for such purpose or purposes.

Idem

(2) None of the moneys received by the County from the sale or hypothecation of any debentures shall be applied towards payment of the current or other expenditures of the County or an area municipality.

Surplus

(3) Where on the sale of any debenture an amount is realized in excess of that required for the purpose or purposes for which the debentures were issued, the excess amount shall be applied,

- (a) if any such debentures are redeemable prior to maturity at the option of the County to redeem one or more of the debentures having the latest maturity date; or
- (b) to reduce the next annual levy on account of principal and interest payable with respect to such debentures; or
- (c) to reduce the amount of debentures to be issued for other capital expenditures of a similar nature

for which the issue of debentures has been approved by the Municipal Board, provided that the principal and interest charges of such debentures are levied upon the assessment of the same class of rate-payers as was levied upon for the principal and interest charges of the debentures with respect to which the excess arose.

(4) Where on the sale of any debentures a deficiency Deficiency in the amount required for the purpose or purposes for which the debentures were issued is sustained, the amount of such deficiency shall be added to the sum to be raised for the first annual payment of principal and interest with respect to the debentures and the levy made in the first year for such purpose or purposes shall be increased accordingly or shall be raised by the issue of other debentures approved by the Municipal Board for the same or any similar purpose or purposes.

107. Where real or personal property acquired out of moneys received by the County from the sale or hypothecation of any debentures is disposed of by sale or otherwise, the net proceeds of such disposal shall be applied Use of proceeds of sale of asset acquired from proceeds of sale of debentures as an excess in accordance with subsection 3 of section 106 or, with the approval of the Municipal Board, may be applied to meet the whole or a portion of any other capital expenditure the debt charges for which, if raised by taxation, would be raised by taxation levied upon the assessment of the same class of ratepayers as was levied upon for the principal and interest charges of the property disposed of or sold.

108. When the County intends to borrow money on debentures under this or any other Act, the County Council may prior to the issue thereof call for tenders Tenders for debentures for the amount of money required and the person tendering shall specify the rate of interest the debentures shall bear when issued at par.

109.—(1) The County Council shall,

Accounts, how to be kept

(a) keep a separate account of every debenture debt;

(b) where the whole of a debenture debt is not payable in the current year, keep in respect thereof,

(i) an additional account for the interest, if any, and

- (ii) an additional account for the sinking fund or the instalments of principal,

distinguished from all other accounts by a prefix designating the purpose for which the debenture debt was contracted; and

- (c) keep the accounts so as to exhibit at all times the state of every debt, and the amount of money raised, obtained and appropriated for the payment of it.

Consolidated
interest
account

(2) The County Council may by by-law provide and direct that instead of a separate account of the interest upon every debt being kept, a consolidated account of the interest upon all debts may be kept, but which consolidated account shall be so kept that it will be possible to determine therefrom the true state of the interest account upon every debt and that provision has been made to meet the interest upon every debt.

Application
of surplus
money

110. If, in any year after paying the interest and appropriating the necessary sum in payment of the instalments, there is a surplus properly applicable to such debt, it shall so remain until required in due course for the payment of interest or in payment of principal.

Liability
of members

111.—(1) If the County Council applies any money raised for a special purpose or collected for a sinking fund in payment of current or other expenditures, the members who vote for such application are personally liable for the amount so applied, which may be recovered in any court of competent jurisdiction.

Action by
ratepayer

(2) If the County Council, upon the request in writing of a ratepayer of any area municipality, refuses or neglects for one month to bring an action therefor, the action may be brought by any such ratepayer on behalf of himself and all other ratepayers in the County.

Disquali-
fication

(3) The members who vote for such application are disqualified from holding any municipal office for two years.

Refinancing
of debentures

112. When, by or under the authority of this Act, the County is or becomes liable for the payment to an area municipality of all amounts of principal and interest becoming due upon any outstanding debentures issued by the area municipality, the County may, with the approval of the Municipal Board,

- (a) cancel all such debentures that have not been sold and issue new debentures of the County in substitution and exchange therefor and apply the proceeds thereof, as may be directed by the Municipal Board for the purposes for which such debentures were issued;
- (b) arrange with the area municipality for redemption of all such debentures as are redeemable and issue new debentures of the County to raise the moneys required for such redemption; and
- (c) purchase, by agreement with the owner or owners thereof, all such debentures of a single issue of the area municipality, and issue new debentures of the Corporation to raise the money required to complete such purchase.

ASSETS

113. In the year 1974, no local municipality shall, after the 1st day of July, 1974, without the approval of the Minister, dispose of any asset purchased at a cost of or valued at more than \$5,000. Disposal of assets

PART X

GENERAL

114.—(1) Sections 5, 217, 223, 224, 229, 231, 232, 233 and 235, subsections 1, 4 and 5 of section 237, sections 238, 239, 245, 249, 250 and 254 and paragraphs 3, 9, 24, 44, 46, 63, 64, 65, 66 and 67 of section 352 and Parts XV, XVI, XVII and XXI of *The Municipal Act* apply *mutatis mutandis* to the County. Application of R.S.O. 1970, c. 284

(2) Sections 10 and 11 and, subject to subsection 3 of section 2, subsection 2 of section 14 of *The Municipal Act* do not apply to any area municipality except in relation to alterations of boundaries, of area municipalities, which alterations, in the opinion of the Municipal Board, are of a minor nature. Erections, annexations and amalgamations

(3) The County shall be considered to be a local municipality for the purposes of paragraphs 90 and 116 of subsection 1 of section 354 and section 394 of *The Municipal Act*. Public transportation systems, refuse disposal, entertainment expenses, etc.

(4) Notwithstanding any other provision in this Act, the County may pass a by-law authorizing the head of the Delegation of approval

department concerned to grant the approval required by subsection 2 of section 35 and any such by-law may prescribe terms and conditions under which any such approval or consent may be granted.

By-laws

(5) Every by-law of a local municipality as it exists on the 31st day of December, 1974 shall remain in force in the area of the former local municipality on and after the 1st day of January, 1975 and may be amended or repealed by the council of an area municipality as it affects such area municipality and where any such by-law pertains to a function of the County it may be amended or repealed by the County Council.

Idem

(6) Where any local municipality has passed a by-law that, prior to its coming into force requires the approval of any minister of the Crown, any provincial ministry, the Municipal Board or any provincial body or agency, and such approval has not been obtained prior to the 31st day of December, 1974, the council of the successor area municipality to such local municipality, or the County Council when the subject-matter of the by-law pertains to a function of the County, shall be entitled to initiate or continue the procedure to obtain such approval to the by-law passed by the local municipality, in so far as it pertains to such area municipality or the County and the provisions of subsection 5 apply *mutatis mutandis* to any such by-law.

Vesting of
transporta-
tion assets
in County

(7) In the event that the County establishes a transportation system in accordance with the provisions of subsection 3, no area municipality shall operate such a system and all the assets and liabilities of any area municipality used for a public transportation system vest in the County on the day such County transportation system is established, without compensation, and the County shall thereafter pay to the area municipality before the due date all amounts of principal and interest becoming due upon any outstanding debt of the area municipality in respect of any such assets.

Default

(8) If the County fails to make any payment required by subsection 7, the area municipality may charge the County interest at the rate of 12 per cent per annum thereon, or such lower rate as the council of the area municipality determines, from such date until payment is made.

Emergency
measures

115.—(1) The County may pass by-laws,

- (a) for the establishment and maintenance of an emergency measures civil defence organization in the County; and

- (b) for providing moneys for emergency measures and civil defence, for the purposes of the emergency measures civil defence organization and for the cost of the operation of such organization, and for other similar work in the County,

and when a by-law passed under this subsection is in force in the County, any by-laws passed by the council of an area municipality under subclauses ii and iii of clause *b* of section 353 of *The Municipal Act* have no effect. R.S.O. 1970,
c. 284

(2) When a by-law passed under clause *a* of subsection 1 is in force, the County Council may pass by-laws, Powers
of County
Council re
emergency
measures

- (a) with the consent of the area municipality or local board concerned, for appointing heads of departments and alternates to be members of or advisers to the emergency measures planning committee or any subcommittee thereof;

- (b) with the consent of the area municipality or local board concerned, for training employees of the area municipality or local board in their emergency functions;

- (c) for appointing members of the emergency measures planning committee or of any subcommittee thereof to be in charge of such departments or utilities throughout the County, as the by-law may provide, when an emergency has been proclaimed under the *War Measures Act* (Canada) or under *The Emergency Measures Act*; R.S.C. 1970,
c. W-2.
R.S.O. 1970,
c. 145

- (d) for acquiring alternative headquarters for the County Government outside the County;

- (e) for obtaining and distributing emergency materials, equipment and supplies; and

- (f) for complying with any request of the Government of Canada or of Ontario in the event of a nuclear attack.

(3) For the purposes of *The Emergency Measures Act*, the area municipalities shall be deemed to be the local municipalities that form part of the County for municipal purposes. Deemed local
municipalities
under
R.S.O. 1970,
c. 145

116.—(1) The County may make expenditures for the purpose of diffusing information respecting the advantages Expenditures
for
diffusing
information

of the County as an industrial, business, educational, residential or vacation centre and may make annual grants for a period not exceeding five years, and upon the expiration of any such period may make similar grants for a further period not exceeding five years.

Application of
R.S.O. 1970,
c. 284, ss. 354 (1)
par. 50, 395

(2) Paragraph 50 of subsection 1 of section 354 and section 395 of *The Municipal Act* apply *mutatis mutandis* to the County, and no area municipality shall exercise any such powers, save and except in respect of those lands acquired or held by a local municipality on or before the 31st day of December, 1974.

Grants

117. The County Council may make annual grants to institutions, associations, area municipalities and persons carrying on or engaged in works that in the opinion of the County Council are for the general advantage of the inhabitants of the County and for which grant or grants there is no express authority provided by any other Act.

Payment of
damages to
employees
R.S.O. 1970,
c. 505

118. Where, in an action or by the settlement of a claim arising out of any injury to an employee or to any person considered an employee for the purposes of *The Workmen's Compensation Act*, the County recovers damages from a third person, such damages or any portion thereof may be paid to such employee or person or, in the event of his death, to one or more of his dependants upon such terms and conditions as the County may impose.

Investigation
by county
judge of
charges of
malfeasance

1971, c. 49

119.—(1) Where the County Council passes a resolution requesting a judge of the county court within the County or a judge of the county court of a county or judicial district adjoining the County, to investigate any matter relating to a supposed malfeasance, breach of trust or other misconduct on the part of a member of the County Council, or an officer or employee of the County, or of any person having a contract with it, in regard to the duties or obligations of the member, officer, employee or other person to the County, or to inquire into or concerning any matter connected with the good government of the County or the conduct of any part of its public business, including any business conducted by a local board of the County, the judge shall make the inquiry and for that purpose has all the powers of a commission under Part II of *The Public Inquiries Act, 1971*, which Part applies to such inquiry as if it were an inquiry under that act, and he shall, with all convenient speed, report to the County Council the result of the inquiry and the evidence taken.

(2) The judge shall be paid by the County the same fees as he would be entitled to if the inquiry had been made by him as a referee under *The Judicature Act*. Fees payable to judge
R.S.O. 1970,
c. 228

(3) The County Council may engage and pay counsel to represent the County, and may pay all proper witness fees to persons summoned to give evidence at the instance of the County, and any person charged with malfeasance, breach of trust or other misconduct, or whose conduct is called in question on such investigation or inquiry, may be represented by counsel. Engaging counsel

(4) The judge may engage counsel and such other assistants and staff and incur such incidental expenses as he considers advisable for the proper conduct of the investigation or inquiry, and the County shall pay the costs thereof. Idem

120.—(1) The Lieutenant Governor in Council, upon the recommendation of the Minister, may issue a commission to inquire into any of the affairs of the County or a local board thereof, and any matter connected therewith, and the commission has the powers of a commission under Part II of *The Public Inquiries Act, 1971*, which Part applies to such inquiry as if it were an inquiry under that Act. Commission of inquiry
1971, c. 49

(2) A commission may be recommended at the instance of the Ministry or upon the request in writing of not less than one-third of the members of the County Council, or of not less than fifty ratepayers of an area municipality assessed as owners and resident therein. When commission may issue

(3) The expenses of and incidental to the execution of the commission, including the fees and disbursements of the commissioner, shall be fixed and certified by the Minister and are subject to such division between the County and the Province as the Lieutenant Governor in Council may direct. Expenses of commission

121. The County for its purposes may enter, break up, dig and trench in, upon and under the highways, lanes and other public communications of any area municipality and may construct and maintain therein pipes, sewers, drains, conduits and other works necessary for its purposes, without making compensation therefor, but all such highways, lanes and other public communications shall be restored to their original condition without unnecessary delay. Entry on highways

Agreements
re services

122. The County and any area municipality may enter into agreements for the use within any part of the County of the services of their respective officers, employees and equipment on any such terms and conditions as the councils deem necessary.

Application of
R.S.O. 1970,
c. 32

123.—(1) For the purposes of paragraph 9 of section 3 and section 35 of *The Assessment Act*, the County shall be deemed to be a municipality.

County and
area
municipalities
deemed not
tenants

(2) For the purposes of paragraph 9 of section 3 of *The Assessment Act*, where property belonging to the County is occupied by an area municipality or where property belonging to an area municipality is occupied by the county or another area municipality, the occupant shall not be considered to be a tenant or lessee, whether rent is paid for such occupation or not.

Interpretation

(3) In subsection 2, “County” and “area municipality” include a local board thereof.

Execution
against
County

124.—(1) An execution against the County may be endorsed with a direction to the sheriff to levy the amount thereof by rate, and the proceedings therein shall then be the following:

1. The sheriff shall deliver a copy of the writ and endorsement to the treasurer of the County, or leave such copy at the office or dwelling place of the treasurer, with a statement in writing of the sheriff’s fees and of the amount required to satisfy the execution, including the interest calculated to some day as near as is convenient to the day of the service.
2. If the amount with interest thereon from the day mentioned in the statement is not paid to the sheriff within one month after the service, the sheriff shall examine the assessment rolls of all the area municipalities and shall, in like manner as the levies of the County for general purposes are apportioned among the area municipalities, determine the portion of the amount mentioned in the statement that shall be levied against and in each area municipality.
3. The sheriff shall then in like manner as rates struck for general municipal purposes within each area municipality strike a rate sufficient in the dollar to cover its share of the amount due from the

execution, and in determining such amount he may make such addition to the same as the sheriff considers sufficient to cover its share of the interest up to the time when the rate will probably be available and his own fees and poundage.

4. The sheriff shall thereupon issue a precept under his hand and seal of office directed to the collector of the area municipality and shall annex to the precept the roll of such rate and shall by the precept, after reciting the writ and that the County has neglected to satisfy the same, and referring to the roll annexed to the precept, command the collector to levy such rate at the time and in the manner by law required in respect to the general annual rates.
5. If, at the time for levying the annual rates next after the receipt of such report, the collector has a general rate roll delivered to him for the year, he shall add a column thereto, headed "Execution in A.B. vs. the County of Oxford" (adding a similar column for each execution if more than one), and shall insert therein the amount by such precept required to be levied upon each person respectively, and shall levy the amount of such execution rate as aforesaid, and shall, within the time within which he is required to make the return of the general annual rate, return to the sheriff the precept with the amount levied thereon.
6. The sheriff shall, after satisfying the execution and all the fees and poundage thereon, pay any surplus, within ten days after receiving the same, to the treasurer of the area municipality.

(2) The clerk, assessor and collector of each area municipality shall, for all purposes connected with carrying into effect, or permitting or assisting the sheriff to carry into effect, the provisions of this Act with respect to such execution, be considered to be officers of the court out of which the writ issued, and as such are amenable to the court and may be proceeded against by attachment, mandamus or otherwise in order to compel them to perform the duties imposed upon them.

Function of
clerk and
treasurer

125. The Woodstock Suburban Roads Commission and the Ingersoll Suburban Roads Commission are dissolved on the 1st day of January, 1975, and all the assets and liabilities thereof vest in the County on such date.

Roads Boards
dissolved

Powers of
O.M.B.

126.—(1) In the event of any doubt as to whether any particular asset or liability is vested in the County under this Act, the Municipal Board upon application has power to determine the matter as sole arbitrator and sections 94 and 95 of *The Ontario Municipal Board Act* do not apply to decisions or orders made in the exercise of such power.

Settling of
doubts

(2) In the event of any doubt as to whether any outstanding debt or portion thereof is a debt in respect of any asset assumed by or vested in the County under this Act, the Municipal Board upon application may determine the matter and its decision is final.

Conditional
powers

127. The Lieutenant Governor in Council, upon the recommendation of the Minister, may authorize all such acts or things not specifically provided for in this Act that are considered necessary or advisable to carry out effectively the purposes of this Act.

Conflict with
other Acts

128.—(1) The provisions of this Act apply notwithstanding the provisions of any general or special Act and, in the event of any conflict between this Act and any general or special Act, this Act prevails.

Special
legislation

(2) The provisions of any special Act relating to a local municipality or local board thereof within the County, in so far as the provisions of such special Act are not in conflict with the provisions of this Act, continue in force, and the powers conferred by any such special Act may be exercised by the County or a local board thereof or by the corporation of the appropriate area municipality or a local board thereof according to whether the powers conferred by such special Act relate to a function assigned under this Act to the County or a local board thereof or to the area municipalities or local boards thereof.

Municipal
buildings

129.—(1) The County or an area municipality or the County and one or more area municipalities,

(a) may acquire land for the purpose of constructing municipal buildings; and

(b) may construct municipal buildings for the use of the County or the County and one or more area municipalities or any local board thereof.

Application of
R.S.O. 1970,
c. 284

(2) Section 256 of *The Municipal Act* applies *mutatis mutandis* to any joint undertaking under this section.

130.—(1) In this section, “waste” includes ashes, garbage, refuse, domestic waste, industrial solid waste or municipal refuse, and such other waste as may be designated by by-law of the County Council. ^{Interpretation}

(2) On and after the 1st day of January, 1975, the County shall provide facilities for the purpose of receiving, dumping and disposing of waste, and no area municipality shall provide such facilities. ^{Receiving and disposing of waste by County}

(3) For the purposes of subsection 2, the County may acquire and use land within the County and may erect, maintain and operate all facilities including buildings, structures, machinery or equipment for the purposes of receiving, dumping and disposing of waste, and may contract with any person, including Her Majesty in right of Ontario, for such purposes, and may prohibit or regulate the dumping and disposing of waste or any class or classes thereof upon such land, and may charge fees for the use of such property, which fees may vary in respect of different classes of waste, and all such existing facilities and lands of a local municipality to the extent they are used for such purposes vest in the County on the 1st day of January, 1975, without compensation. ^{Waste disposal sites}

(4) The County shall pay to the corporation of any area municipality on or before the due date all amounts of principal and interest becoming due upon any outstanding debt of such area municipality in respect of the property assumed by the County under the provisions of subsection 3. ^{Payment of principal and interest to area municipalities}

(5) If the County fails to make any payment required by subsection 4, the area municipality may charge the County interest at the rate of 12 per cent per annum thereon or such lower rate as the council of the area municipality determines, from such date until payment is made. ^{Default}

(6) In the event of any doubt as to whether any outstanding debt or portion thereof was incurred in respect of any property vested in the County under this section, the Municipal Board may determine the matter and such determination is final and binding. ^{O.M.B. to arbitrate}

(7) For the purposes of subsection 3, paragraph 77 of subsection 1 of section 354 of *The Municipal Act* applies *mutatis mutandis*. ^{Application of R.S.O. 1970, c. 284}

131. Where any agreement has been entered into or proceeding commenced by a local municipality, providing ^{Successor rights}

the terms thereof are not inconsistent with the provisions of this Act, the County or the appropriate area municipality shall on and after the 1st day of January, 1975, be deemed to stand in the place and stead of such local municipality for all purposes in so far as the agreement or proceeding pertains to the functions of the County or area municipality.

County Fire
Co-ordinator

132. The County shall appoint a County Fire Co-ordinator who shall be responsible for the establishment of an emergency fire service plan and program for the County, and the County is authorized to expend such sums as it considers necessary to implement such plan and program.

Existing
speed limits
continued

R.S.O. 1970,
c. 202

133.—(1) Notwithstanding the other provisions of this Act but subject to subsections 2 and 3, for the purposes of section 82 of *The Highway Traffic Act* the area in the County that, on the 31st day of December, 1974, formed part of a city, town, village or township municipality shall be considered to continue to form part of a city, town, village or township municipality.

By-laws of
County and
area
muni-
cipalities

(2) Notwithstanding subsection 1, the County Council and the council of each area municipality may exercise any of its powers under section 82 of *The Highway Traffic Act* in respect of highways under its jurisdiction and control.

Existing
speed limits
continued

(3) Every by-law passed by the council of a municipality under any provision of section 82 of *The Highway Traffic Act* that applied, on the 31st day of December, 1974, to any highway or portion thereof within the County shall continue to apply thereto until a by-law passed by the County Council or the council of an area municipality under such section 82 applies thereto.

Non-
application
of
R.S.O. 1970,
c. 354, s. 108

134.—(1) On and after the 1st day of January, 1975, no area municipality shall be required to comply with section 108 of *The Power Corporation Act*.

Distribution
of electrical
power

(2) Where, on the 31st day of December, 1974, Ontario Hydro or a public utilities commission or a hydro-electric commission is supplying electrical power and energy in any area within the County, such commission shall continue, until a date to be determined by the Minister, to distribute and sell power within such area and such commission shall be deemed to be a local board of the area municipality in which it has jurisdiction and where any such commission is serving in two or more municipalities it shall be deemed to be a local board of the municipality which has the higher or highest assessment to which electrical power and energy is being supplied.

(3) The members of a public utilities commission or a hydro-electric commission referred to in subsection 2 including *ex officio* members, who hold office when this section comes into force, shall continue to hold office until a date to be determined by the Minister and in addition to such members, the mayor elected for the area municipality or area municipalities in which such a commission operates shall also be a member of such commission.

Members of
commission
continue in
office

(4) All public utilities commissions and waterworks commissions within the County, except those referred to in subsection 2, are hereby dissolved on the 1st day of January, 1975.

Commissions
dissolved

(5) A person who is a member of a commission referred to in this section is not disqualified to be elected a member of the County Council or the council of an area municipality or to sit or vote therein by reason of being a member of such commission.

Member of
commission
not
disqualified

135.—(1) On the 31st day of December, 1974, all community centre boards and all boards of recreation or park management in a local municipality are dissolved and the assets and liabilities thereof become, on the 1st day of January, 1975, the assets and liabilities of the area municipality of which the local municipality becomes a part, and in the event the area of jurisdiction of any such board is divided between two area municipalities, the committee of arbitration appointed under section 88 shall make the determination of the disposition of such assets and liabilities in the manner prescribed in that section.

Boards, etc.,
dissolved

(2) The council of an area municipality shall be deemed to be a recreation committee under *The Ministry of Community and Social Services Act* and the regulations thereunder, and a board of a community centre under *The Community Centres Act*.

Council
deemed
recreation
committee

R.S.O. 1970,
cc. 120, 73

136. Section 38 of *The Secondary Schools and Boards of Education Act* applies to the election of the members of The Oxford County Board of Education and section 90 of *The Separate Schools Act* applies to the election of the members of The Oxford County Roman Catholic Separate School Board, except that, notwithstanding *The Municipal Elections Act, 1972*, in the year 1974,

Election
R.S.O. 1970,
cc. 425, 430

1972, c. 95

- (a) the polling day for the members of The Oxford County Board of Education and of The Oxford County Roman Catholic Separate School Board shall be the 7th day of October, and the hours of polling

shall be the same as for the municipal elections in the County and the members elected on such date shall take office on the 1st day of January, 1975, and continue to hold such office until the 31st day of December, 1976;

- (b) the Minister shall, by order, provide for nomination of candidates for The Oxford County Board of Education and for The Oxford County Roman Catholic Separate School Board and may by order provide for any other matters necessary to hold the elections for such boards; and
- (c) any reference in such sections to the 1st day of September, the 15th day of September or the 1st day of October shall be deemed to be a reference to the 1st day of August, the 15th day of August or the 1st day of September, respectively.

R.S.O. 1970,
c. 284,
s. 244, not
to apply

137. Section 244 of *The Municipal Act* does not apply to the council of a local municipality in the County in the year 1974.

Organi-
zational
expenses

138.—(1) The Lieutenant Governor in Council may, by order, provide for payments to be made out of the Consolidated Revenue Fund towards the organization expenses of the County.

Terms of
payment

(2) Payments made under this section shall be made on such terms and conditions as the Minister may direct.

Commence-
ment

139.—(1) This Act, except Parts V, VII and VIII and sections 78 to 87 and 89 to 112 of Part IX, comes into force on the day it receives Royal Assent.

Idem

(2) Parts V, VII and VIII and sections 78 to 87 and 89 to 112 of Part IX come into force on the 1st day of January, 1975.

Short title

140. This Act may be cited as *The County of Oxford Act, 1974*.

FORM 1

(Section 10 (2))

OATH OF ALLEGIANCE

I,, having been elected (*or appointed*) as Warden of the council of the County of Oxford, do swear that I will be faithful and bear true allegiance to Her Majesty Queen Elizabeth II (*or the reigning sovereign for the time being*).

Sworn before me, etc.

FORM 2

(Section 10 (2))

DECLARATION OF QUALIFICATION BY WARDEN

I,, having been elected (*or appointed*) as Warden of the council of the County of Oxford declare that:

1. I am a Canadian citizen or other British subject and am not a citizen or a subject of any foreign country.
2. I am of the full age of eighteen years.
3. I am not an officer, employee or servant of any area municipality or local board of any area municipality.
4. I have taken the oath of allegiance (Form 1) which I attach hereto.

And I make this solemn declaration conscientiously believing it to be true and knowing that it is of the same force and effect as if made under oath.

Declared before me, etc.

An Act to restructure
the County of Oxford

1st Reading

June 14th, 1974

2nd Reading

3rd Reading

THE HON. J. WHITE
Treasurer of Ontario and Minister of
Economics and Intergovernmental
Affairs

(Government Bill)

BILL 95

Government Bill

CA20N

XB

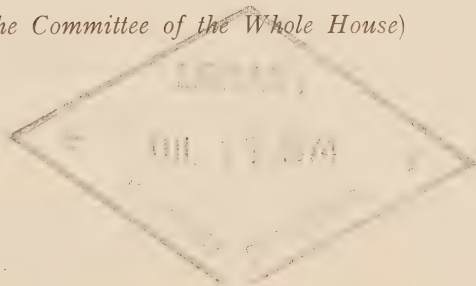
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4TH SESSION, 29TH LEGISLATURE, ONTARIO
23 ELIZABETH II, 1974

An Act to restructure the County of Oxford

THE HON. J. WHITE
Treasurer of Ontario and Minister of Economics
and Intergovernmental Affairs

(Reprinted as amended by the Committee of the Whole House)



TORONTO

PRINTED BY J. C. THATCHER, QUEEN'S PRINTER FOR ONTARIO

EXPLANATORY NOTE

The Bill provides for the restructuring of the County of Oxford. Annexations and amalgamations will reduce the existing eighteen local municipalities to eight area municipalities. The County will function as an upper tier municipality and the Bill provides for the allocation of responsibilities between the County on the one hand and the area municipalities on the other.

The Bill is divided into ten Parts :

PART I — Area municipalities.

PART II — Establishment of the County Council.

PART III — County Road System.

PART IV — Planning.

PART V — Health and Welfare Services.

PART VI — Police.

PART VII — County Waterworks System.

PART VIII — County Sewage Works.

PART IX — Finances.

PART X — General.

An Act to restructure the County of Oxford

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

INTERPRETATION

1. In this Act,

Interpre-
tation

- (a) "area municipality" means the municipality or corporation of the City of Woodstock, the Town of Ingersoll, the Town of Tillsonburg and the Township of Blandford-Blenheim and such other municipalities as constituted by section 2;
- (b) "bridge" means a public bridge, and includes a bridge forming part of a highway or on, over, under or across which a highway passes;
- (c) "County" means the County of Oxford;
- (d) "County Council" means the council of the County;
- (e) "county road" means a road forming part of the county road system established under Part III;
- (f) "debt" includes any obligation for the payment of money;
- (g) "divided municipality" means a local municipality parts of which are annexed to two or more municipalities under subsection 1 of section 2;
- (h) "highway" and "road" means a common and public highway or any part thereof, and include a street, bridge, and any other structure incidental thereto or any part thereof;

- (i) "land" includes lands, tenements and hereditaments and any estate or interest therein, and any right or easement affecting them, and land covered with water, and includes any buildings or improvements on land;
- (j) "local board" means any school board, public utility commission, transportation commission, public library board, board of park management, local board of health, board of commissioners of police, planning board or any other board, commission, committee, body or local authority established or exercising any power or authority under any general or special Act with respect to any of the affairs or purposes, including school purposes, of the area municipality or of two or more area municipalities or parts thereof;
- (k) "local municipality" means in the year 1974 any local municipality or portion thereof in the County;
- (l) "merged area" means a local municipality that is amalgamated with another local municipality or a part of a local municipality that is annexed to a local municipality to constitute an area municipality under subsection 1 of section 2 or the local municipality to which such part is annexed;
- (m) "Minister" means the Treasurer of Ontario and Minister of Economics and Intergovernmental Affairs;
- (n) "Ministry" means the Ministry of Treasury, Economics and Intergovernmental Affairs;
- (o) "money by-law" means a by-law for contracting a debt or obligation or for borrowing money;
- (p) "Municipal Board" means the Ontario Municipal Board;
- (q) "roadway" means that part of the highway designed or intended for use by vehicular traffic.

PART I

AREA MUNICIPALITIES

Constitution
of area muni-
cipalities

2.—(1) On the 1st day of January, 1975,

- (a) the City of Woodstock is continued as a city municipality;

- (b) the Town of Ingersoll is continued as a town municipality;
- (c) the Town of Tillsonburg is continued as a town municipality and portions of the Township of Dereham described as follows are annexed to such town:

FIRSTLY, part of the Township of Dereham, commencing at the south east angle of the Township of Dereham;

THENCE northerly along the east boundary of the Township of Dereham to the north limit of the road allowance between concessions XI and XII;

THENCE westerly along the north limit of the road allowance between concessions XI and XII to the boundary of the Town of Tillsonburg;

THENCE following the boundaries between the Township of Dereham and the Town of Tillsonburg to the south boundary of the said Township;

THENCE easterly along the south boundary of the Township of Dereham to the point of commencement;

SECONDLY, part of the Township of Dereham, commencing at the intersection of the south boundary of the Township of Dereham and the southerly prolongation of the west limit of Lot 8 in Concession XII;

THENCE northerly along the west limit of Lot 8 in concessions XII, XI and X, respectively, to the centre line of Concession X;

THENCE easterly along the centre line of Concession X to the east limit of Lot 3 in Concession X;

THENCE southerly along the east limit of Lot 3 in Concession X and its prolongation to an angle in the Town of Tillsonburg;

THENCE westerly and southerly following the boundaries between the Township of Dereham and the Town of Tillsonburg to the south boundary of the Township of Dereham;

THENCE westerly along the south boundary of the Township of Dereham to the point of commencement.

- (d) The Corporation of the Township of Blandford and The Corporation of the Township of Blenheim are amalgamated as a township municipality bearing the name of The Corporation of the Township of Blandford-Blenheim.
- (e) The Corporation of the Township of East Zorra and The Corporation of the Village of Tavistock are amalgamated as a township municipality bearing the name of The Corporation of the Township of East Zorra-Tavistock, and the portion of the Township of North Oxford described as follows, is annexed to such Township:

COMMENCING at the intersection of the north boundary of the Township of North Oxford and the northerly prolongation of the west limit of Lot 26 in Concession I;

THENCE southerly to and along the west limit of Lot 26 in Concession I and its prolongation to the middle of the main channel of the Thames River;

THENCE easterly along the middle of the main channel of the Thames River to the west boundary of the City of Woodstock;

THENCE following the boundaries between the Township of North Oxford and the City of Woodstock to the north boundary of the Township of North Oxford;

THENCE westerly along the north boundary of the Township of North Oxford to the point of commencement.

- (f) The Corporation of the Township of East Nissouri, The Corporation of the Village of Embro and The Corporation of the Township of West Zorra are amalgamated as a township municipality and the portion of the Township of North Oxford, described as follows, is annexed to such Township:

COMMENCING at the northwest angle of the Township of North Oxford;

THENCE southerly along the west boundary of the Township of North Oxford and its prolongation in accordance with subsection 1 of section 11 of *The Territorial Division Act*, being chapter 458 of the Revised Statutes of Ontario, 1970, to the middle of the main channel of the Thames River;

THENCE easterly along the middle of the main channel of the Thames River to the west boundary of the separated Town of Ingersoll;

THENCE following the boundaries between the Township of North Oxford and the separated Town of Ingersoll to the middle of the main channel of the Thames River;

THENCE easterly along the middle of the main channel of the Thames River to the boundary of the Village of Beachville;

THENCE following the boundaries between the Township of North Oxford and the Village of Beachville to the middle of the main channel of the Thames River;

THENCE easterly along the middle of the main channel of the Thames River to the southerly prolongation of the east limit of Lot 25 in Concession I of the Township of North Oxford;

THENCE northerly to and along the east limit of said Lot 25 and its prolongation to the north boundary of the Township of North Oxford;

THENCE westerly along the north boundary of the Township of North Oxford to the point of commencement.

- (g) The Corporation of the Township of East Oxford, The Corporation of the Township of North Norwich, The Corporation of the Village of Norwich and The Corporation of the Township of South Norwich are amalgamated as a township municipality bearing the name of The Corporation of the Township of Norwich.
- (h) The Corporation of the Village of Beachville and The Corporation of the Township of West Oxford are amalgamated as a township municipality bearing the name of The Corporation of the Township of South-West Oxford, and the portion of the Township of Dereham, described as follows, is annexed to such Township:

COMMENCING at the intersection of the east boundary of the Township of Dereham and the north limit of the road allowance between concessions XI and XII;

THENCE westerly along the north limit of the road allowance between concessions XI and XII to the boundary of the Town of Tillsonburg;

THENCE northerly along the boundary of the Town of Tillsonburg to its northeast angle;

THENCE northerly to and along the east limit of Lot 3 in Concession X in the Township of Dereham to the centre line of Concession X;

THENCE westerly along the centre line of Concession X to the west limit of Lot 8 in Concession X;

THENCE southerly along the west limit of Lot 8 in concessions X, XI and XII and its prolongation to the south boundary of the Township of Dereham;

THENCE westerly along the south boundary of the Township of Dereham to its southwest angle;

THENCE northerly along the west boundary of the Township of Dereham to its northwest angle;

THENCE easterly along the north boundary of the Township of Dereham to its northeast angle;

THENCE southerly along the east boundary of the Township of Dereham to the point of commencement.

Dissolution
of police
villages

(2) The following police villages are dissolved on the 1st day of January, 1975:

1. The Police Village of Bright.
2. The Police Village of Burgessville.
3. The Police Village of Drumbo.
4. The Police Village of Innerkip.
5. The Police Village of Otterville.
6. The Police Village of Plattsville.
7. The Police Village of Princeton.
8. The Police Village of Thamesford.

Amalgama-
tions,
annexations
and
dissolutions
deemed by
O.M.B. orders
R.S.O. 1970,
cc. 323, 284

(3) For the purposes of every Act, the amalgamations, annexations and dissolutions provided for in this Part shall be deemed to have been effected by orders of the Municipal Board not subject to section 42 of *The Ontario Municipal Board Act* or to petition or appeal under section 94 or 95 of

such Act, made on the day this section comes into force pursuant to applications made under sections 14 and 25 of *The Municipal Act* and, subject to the provisions of this Act, the Municipal Board, upon the application of any area municipality or any local board thereof or of its own motion, may exercise its powers consequent upon such amalgamations, annexations and dissolutions, and sections 94 and 95 of *The Ontario Municipal Board Act* do not apply to decisions or orders made in the exercise of such powers and "municipalities" in clause *a* of subsection 11 of section 14 of *The Municipal Act* includes, for the purposes of such clause, the area municipalities to which territory is annexed.

(4) If directed by order of the Minister, a vote of the electors of any area municipality as established under subsection 1 shall be taken at the same time as the election for the first council of the area municipality, to determine from among the names designated by the Minister, which name the area municipality shall bear and, following the vote, the Minister shall by order,

Referendum
re area
municipality
names

- (a) confirm the name of the area municipality as set out in subsection 1; or
- (b) declare the name that the area municipality shall bear,

and where a declaration is made under clause *b*, all references to such area municipalities shall be deemed to refer to such area municipalities as designated in the declaration.

3.—(1) On and after the 1st day of January, 1975, the council of each area municipality shall be composed of a mayor, who shall be elected by a general vote of the electors of the area municipality and shall be the head of the council, and the following number of other members of council:

Composition
of area
municipal
councils

1. The City of Woodstock—except as may be provided under subsection 3, eight members elected by a general vote of the electors of the area municipality, and, the five members receiving the highest number of votes shall be members of the County Council, except that in the event that any one of such five members decline to accept membership in the County Council, the member of such area municipality receiving the next highest number of votes in declining order shall be entitled to be a member of the County Council.
2. The Town of Ingersoll—six members, one of whom shall be elected by a general vote of the electors of the area municipality as a member of the council

of the area municipality and of the County Council, and five members elected in the manner provided for by order of the Minister made under subsection 3.

3. The Town of Tillsonburg—eight members, one of whom shall be elected by a general vote of the electors of the area municipality as a member of the council of the area municipality and of the County Council, and seven members elected in the manner provided for by order of the Minister made under subsection 3.
4. The Township of Blandford-Blenheim—six members, one of whom shall be elected by a general vote of the electors of the area municipality as a member of the council of the area municipality and of the County Council, and five members elected in the manner provided for by order of the Minister made under subsection 3.
5. The Township of East Zorra-Tavistock—eight members, one of whom shall be elected by a general vote of the electors of the area municipality as a member of the council of the area municipality and of the County Council, and seven members elected in the manner provided for by order of the Minister made under subsection 3.
6. The Township constituted under clause *f* of subsection 1 of section 2—ten members, one of whom shall be elected by a general vote of the electors of the area municipality as a member of the council of the area municipality and of the County Council, and nine members elected in the manner provided for by order of the Minister made under subsection 3.
7. The Township of Norwich—ten members, one of whom shall be elected by a general vote of the electors of the area municipality as a member of the council of the area municipality and of the County Council, and nine members elected in the manner provided for by order of the Minister made under subsection 3.
8. The Township of South-West Oxford—eight members, one of whom shall be elected by a general vote of the electors of the area municipality as a member of the council of the area municipality and of the County Council, and seven members elected in the manner provided for by order of the Minister made under subsection 3.

First elections and term of office (2) With respect to the area municipalities, elections of the first councils shall be held in the year 1974, and the

day of polling shall be the 7th day of October and the first councils elected shall hold office for the years 1975 and 1976.

(3) For the purposes of the elections of the first councils^{Idem} of the area municipalities and the members thereof to represent the area municipalities on the County Council,

(a) the Minister may by order, divide into wards any area municipality as constituted by section 2 and make provision for the respective numbers of members of council of the area municipality and of the County Council, to be elected in the respective wards and such wards shall remain in effect until altered by the Municipal Board;

(b) the Minister may by order, provide for the qualification of candidates and,

(i) provide for the qualification of electors, nominations, the appointment of returning officers, the holding of the elections, the preparation of polling lists, and

(ii) provide for such other matters as he considers necessary to hold the elections.

(4) Subsections 2 and 3 apply to the elections of the first^{Application of} councils of the area municipalities notwithstanding *The Municipal Elections Act, 1972*.^{1972, c. 95}

(5) The members of the council of each area municipality^{Organization committee} elected in the year 1974 shall comprise a committee in their^{in 1974} respective area municipalities to do anything in that year necessary for the purposes of organization, policy and planning of the area municipality.

4. The expenses of the local municipalities for the elections^{First election expenses} to elect members of the councils of the area municipalities in the year 1974 shall, as approved by the Minister, be paid out of the Consolidated Revenue Fund.

5. No area municipality shall have a Board of Control.^{No Board of Control}

PART II

ESTABLISHMENT OF THE COUNTY COUNCIL

6.—(1) The County of Oxford is continued and on and after the 1st day of January, 1975 shall exercise the powers and duties and be subject to the obligations and liabilities provided for in this Act.^{County re constituted}

Organizational powers of County Council in 1974

(2) The County Council elected in the year 1974 in accordance with the provisions of this Act may exercise all such powers as may be necessary to organize and plan for the implementation of the expanded powers and duties of the County on and after the 1st day of January, 1975.

Continuation in office of County Council

(3) The County Council in office in the year 1974 shall continue until the 31st day of December, 1974, but the provisions of this Act shall not apply to such County Council.

Deemed municipality under R.S.O. 1970, c. 118, 323

(4) The County on and after the 1st day of January, 1975 shall be deemed to be a municipality for the purposes of *The Municipal Affairs Act* and *The Ontario Municipal Board Act*.

Minister's authority

(5) The Minister may by order deem the County to be a regional municipality for the purposes of any general or special Act.

County deemed not municipality for purposes of R.S.O. 1970, c. 284

(6) The County shall not, except as provided for in this Act, be a municipality for the purposes of *The Municipal Act* on and after the 1st day of January, 1975.

County Council to exercise corporate powers

7.—(1) The powers of the County shall be exercised by the County Council and, except where otherwise provided, the jurisdiction of the County Council is confined to the County.

Powers exercised by by-law

(2) Except where otherwise provided, the powers of the County Council shall be exercised by by-law.

Not to be quashed as unreasonable

(3) A by-law passed by the County Council in the exercise of any of its powers and in good faith shall not be open to question, or be quashed, set aside or declared invalid either wholly or partly, on account of the unreasonableness or the supposed unreasonableness of its provisions or any of them.

Composition of County Council

8.—(1) The County Council shall comprise twenty members consisting of,

- (a) in the year 1974, the mayor-elect of each area municipality and thereafter the mayor of each area municipality;
- (b) five members of council of the City of Woodstock elected as members of the County Council under section 3; and
- (c) one member of council of each area municipality, except the City of Woodstock, elected as members of the County Council under section 3.

Term of office

(2) The members elected to the County Council in the year 1974, under the provisions of subsection 1, shall hold office for the years, 1974, 1975 and 1976.

(3) On and after the 1st day of January, 1977 the term of office of the County Council shall be two years. ^{Idem}

9.—(1) The County Council shall, on or before the 15th day of October, 1974, meet at a time and place and under the chairmanship of a person designated by the Minister to choose a person who will preside as interim warden and act as clerk at the first meeting of the County Council in the year 1974 after such date. ^{Interim warden}

(2) At the first meeting of the County Council in the year 1974 and 1977 and every second year thereafter at which a quorum is present, the County Council shall organize as a council and elect from amongst its members a warden who shall hold office, for that term of the council and until his successor is elected, and at such meeting in the year 1977 and every second year thereafter the clerk shall preside until the warden is elected and the warden so elected shall retain his seat on the council of the area municipality to which he was elected. ^{Election of warden}

(3) At the first meeting of the County Council in any year at which the warden is to be elected, the Council shall conduct a draw by lot to determine the area municipality which shall cast the additional vote in the event of a tie to elect the warden. ^{Election of warden}

(4) If, at the first meeting of the County Council in the year 1974 and any subsequent first meeting, a warden is not elected, the presiding officer may adjourn the meeting from time to time, and, if a warden is not elected at any adjourned meeting held within one week after the first meeting, the Lieutenant Governor in Council shall appoint a warden to hold office for that year and the following year and until his successor is elected in accordance with this Act. ^{Failure to elect warden}

10.—(1) The first meeting of the County Council in the year 1974 shall be held on or after the 18th day of October, 1974, at such date, time and place as the interim warden may determine, and the interim warden shall give to each person entitled to be a member of the County Council at least forty-eight hours notice of the date, time and place of such meeting. ^{First meeting in 1974}

(2) The warden, before taking his seat, shall take an oath of allegiance in Form 1 and a declaration of qualification in Form 2. ^{Oath of allegiance and declaration of qualification}

(3) No business shall be proceeded with at the first meeting of the County Council until after the declarations of office in Form 20 of *The Municipal Act* have been made by all members who present themselves for that purpose. ^{Declaration of office}
^{R.S.O. 1970, c. 284}

When
County
Council
deemed
organized

(4) The County Council shall be deemed to be organized when the declarations of office have been made by a sufficient number of members to form a quorum as provided for in section 11.

Quorum,
voting

11.—(1) Eleven members of the County Council representing four area municipalities are necessary to form a quorum and the concurring votes of a majority of members present are necessary to carry any resolution or other measure.

One vote

(2) Each member of the County Council has one vote only.

Place of
meeting

12. Subject to section 10, all meetings of the County Council shall be held at such place within the County and at such times as the County Council from time to time appoints.

Vacancies,
warden

13.—(1) When a vacancy occurs in the office of a warden who has been elected under subsection 2 of section 9, the County Council shall, at a general or special meeting to be held within twenty days after the vacancy occurs, elect a warden who shall be a member of the County Council, to hold office for the remainder of the term of his predecessor.

Idem

(2) If the County Council fails to elect a warden within twenty days as required by subsection 1, the Lieutenant Governor in Council may appoint a person as warden to hold office for the remainder of the term of his predecessor.

Other
members

(3) When a vacancy occurs in the office of a member, other than the warden or the head of the council of an area municipality, the council of the area municipality of which he was a member shall by by-law within thirty days after the vacancy occurs appoint a successor, who may be a member of the council, to hold office for the remainder of the term of his predecessor.

Where head
of council in-
capacitated

(4) In the event that the head of a council of an area municipality is for any reason unable to fulfil his duties as a member of the County Council for a period exceeding one month, the council of the area municipality may by by-law appoint one of its members as an alternate representative to the County Council who shall act in the place and stead of the head of council during his incapacity but no such by-law shall have effect for a period longer than one month from its effective date

14. Members of the County Council, may be paid for services performed on and after the 1st day of January, 1975, such annual and other remuneration as the County Council may determine. Remuneration

15.—(1) The County Council may from time to time establish such standing or other committees and assign to them such duties as it considers expedient. Committees

(2) The County Council may by by-law provide for paying an annual allowance to each chairman of a standing committee except where such chairman is also the warden. Remuneration of committee chairmen

16. The County Council may pass by-laws for governing the proceedings of the County Council and any of its committees, the conduct of its members and the calling of meetings. Procedural by-laws

17.—(1) The warden is the head of the County Council and is the chief executive officer of the County. Head of County Council

(2) The County Council may by by-law appoint a chief administrative officer, who, Chief administrative officer

(a) shall have such general control and management of the administration of the government and affairs of the County and perform such duties as the County Council by by-law prescribes;

(b) shall be responsible for the efficient administration of all its departments to the extent that he is given authority and control over them by by-law;

(c) shall hold office during the pleasure of the County Council; and

(d) shall receive such salary as the County Council by by-law determines.

(3) Subsection 2 of section 238 of *The Municipal Act* applies to a chief administrative officer appointed under subsection 2 of this section. Application of R.S.O. 1970, c. 284

18. When the warden is absent from the County or absent through illness, or refuses to act, the County Council may by resolution appoint one of its members to act in his place and stead, and such member shall have and may exercise all the rights, powers and authority of the warden during such absence or refusal to act. Acting warden

Application of
R.S.O. 1970,
c. 284

19.—(1) Sections 192, 193, 195, 197, 198, 259, 281 to 286 and 390 of *The Municipal Act* apply *mutatis mutandis* to the County.

Idem

(2) Sections 190, 200, 201 and 243 of *The Municipal Act* apply *mutatis mutandis* to the County Council and to every local board of the County.

Appointment
of clerk

20.—(1) The County Council shall appoint a clerk whose duty is,

- (a) to record truly without note or comment, all resolutions, decisions and other proceedings of the County Council;
- (b) if required by any member present, to record the name and vote of every member voting on any matter or question;
- (c) to keep in his office, or in the place appointed for that purpose, the originals of all by-laws and of all minutes of the proceedings of the County Council and its committees; and
- (d) to perform such other duties as may be assigned to him by the County Council.

Deputy
clerk

(2) The County Council may appoint a deputy clerk who shall have all the powers and duties of the clerk.

Acting
clerk

(3) When the office of clerk is vacant or the clerk is unable to carry on his duties through illness or otherwise, the County Council may appoint an acting clerk *pro tempore* who shall have all the powers and duties of the clerk.

Minutes
open to
inspection

21.—(1) Any person may, at all reasonable hours, inspect any of the records, books or documents in the possession or under the control of the clerk, except interdepartmental correspondence and reports of officials of any department or of solicitors for the County made to the County Council or any of its committees, and the clerk within a reasonable time shall furnish copies of them or extracts therefrom certified under his hand and the seal of the County to any applicant on payment at the rate of 15 cents for every 100 words or at such lower rate as the County Council may fix.

Index of
by-laws
affecting
land

(2) The clerk shall keep an index book in which he shall enter the number and date of all by-laws passed by the County Council that affect land or the use thereof in the County but do not directly affect the title to land.

(3) A copy of any record, book or document in the possession or under the control of the clerk, purporting to be certified under his hand and the seal of the County, may be filed and used in any court in lieu of the original, and shall be received in evidence without proof of the seal or of the signature or official character of the person appearing to have signed the same, and without further proof, unless the court otherwise directs. Copies certified by clerk to be receivable in evidence

22.—(1) The County Council shall appoint a treasurer who shall keep the books, records and accounts, and prepare the annual financial statements of the County and preserve and file all accounts of the County and shall perform such other duties as may be assigned to him by the County Council. Appointment of treasurer

(2) The County Council may appoint a deputy treasurer who shall have all the powers and duties of the treasurer. Deputy treasurer

(3) When the office of treasurer is vacant or the treasurer is unable to carry on his duties, through illness or otherwise, the County Council may appoint an acting treasurer *pro tempore* who shall have all the powers and duties of the treasurer. Acting treasurer

23.—(1) The treasurer shall receive and safely keep all moneys of the County and shall pay out money to such persons and in such manner as the law in force in Ontario and the by-laws or resolutions of the County Council direct, provided that every cheque issued by the treasurer shall be signed by the treasurer and by some other person or persons designated for the purpose by by-law or resolution of the County Council, and any such other person before signing a cheque shall satisfy himself that the issue thereof is authorized. Receipt and disbursement of money

(2) Notwithstanding subsection 1, the County Council may by by-law, Signing of cheques

(a) designate one or more persons to sign cheques in lieu of the treasurer; and

(b) provide that the signature of the treasurer and of any other person authorized to sign cheques may be written or engraved, lithographed, printed or otherwise mechanically reproduced on cheques.

(3) The County Council may by by-law provide that the treasurer may establish and maintain a petty cash fund of an amount of money sufficient to make change and pay small accounts, subject to such terms and conditions as the by-law may provide. Petty cash fund

When
member may
be paid

(4) Except where otherwise expressly provided by this Act, a member of the County Council shall not receive any money from the treasurer for any work or service performed or to be performed but nothing in this subsection prevents the payment of any moneys under any contract in respect of which the member has complied with *The Municipal Conflict of Interest Act, 1972*.

1972, c. 142

Treasurer's
liability
limited

(5) The treasurer is not liable for money paid by him in accordance with a by-law or resolution of the County Council, unless another disposition of it is expressly provided for by statute.

Bank
accounts

24. Subject to subsection 3 of section 23, the treasurer shall,

- (a) open an account or accounts in the name of the County in such of the chartered banks of Canada or at such other place of deposit as may be approved by the County Council;
- (b) deposit all money received by him on account of the County, and no other money, to the credit of such account or accounts, and no other account; and
- (c) keep the money of the County entirely separate from his own money and from that of any other person,

and notwithstanding subsection 1 of section 23, the County Council shall not by by-law or resolution direct any variance from the provisions of this section, nor shall the treasurer vary from such provisions.

Monthly
statement

25.—(1) The treasurer shall prepare and submit to the County Council, monthly, a statement of the money at the credit of the County.

Notice to
sureties

(2) Where the treasurer is removed from office or absconds, the County Council shall forthwith give notice to his sureties.

Appointment
of auditors

26.—(1) The County Council shall by by-law appoint one or more auditors who shall be persons licensed by the Ministry as municipal auditors and who shall hold office during good behaviour and be removable for cause upon the vote of two-thirds of the members of the County Council, and the auditor or auditors so appointed shall audit the accounts and transactions of the County and of every local board of the County, except school boards.

(2) Where an auditor audits the accounts and transactions of a local board, the cost thereof shall be paid by the County and charged back to the local board, and, in the event of a dispute as to the amount of the cost, the Ministry may upon application finally determine the amount thereof. ^{Cost of audit}

(3) No person shall be appointed as an auditor of the County who is or during the preceding year was a member of the County Council or of the council of an area municipality or of any local board, the accounts and transactions of which it would as auditor be his duty to audit, or who has or during the preceding year had any direct or indirect interest in any contract with the County or an area municipality, or any such local board, or any employment with any of them other than as an auditor, but this provision shall not apply in the year 1975. ^{Disqualification of auditors}

(4) An auditor shall perform such duties as are prescribed by the Ministry and also such duties as may be required by the County Council or any local board of the County that do not conflict with the duties prescribed by the Ministry. ^{Duties of auditors}

27.—(1) Where the County or a local board thereof employs a person theretofore employed by a local municipality or a local board thereof within the County, the County or local board shall be deemed to have elected to participate in the Ontario Municipal Employees Retirement System on the day this Part comes into force in respect of the employee if such employee was or was entitled to be a member of the Ontario Municipal Employees Retirement System on the day immediately preceding his employment with the County or local board thereof and such employee shall have uninterrupted membership or entitlement to membership, as the case may be, in the Ontario Municipal Employees Retirement System and be deemed not to have resigned from his previous employment. ^{Pensions}

(2) Where the County or a local board thereof employs a person theretofore employed by a local municipality or a local board thereof within the County, the employee shall be deemed to remain an employee of the local municipality or local board thereof for the purposes of his entitlement under any approved pension plan or supplementary plan. ^{Idem}

(3) Where the County or a local board thereof employs a person theretofore employed by a local municipality or a local board thereof, within the County, the employee shall be ^{Sick leave credits}

deemed to remain an employee of the municipality or local board thereof until the County or local board thereof has established a sick leave credit plan for its employees, and the employees are entitled to receive such benefits from the County whereupon the County or local board thereof shall place to the credit of the employee the sick leave credits standing to his credit in the plan of the municipality or local board thereof.

Holidays

(4) Where the County or a local board thereof employs a person theretofore employed by a local municipality or a local board thereof within the County or local board thereof, the County or local board thereof shall during the first year of his employment by the County or local board thereof, provide for such employee's holidays with pay equivalent to those to which he would have been entitled if he had remained in the employment of the municipality or local board thereof.

Offer of employment

(5) The County shall offer to employ every person who, on the 1st day of April, 1974, is employed in any undertaking of, or operated on behalf of, any local municipality or local board that is assumed by the County under this Act and who continues to be so employed until the 31st day of December, 1974.

Entitlement to salary

(6) Any person who accepts employment offered under subsection 5 shall be entitled to receive a wage or salary up to and including the 31st day of December, 1975, of not less than he was receiving on the 1st day of April, 1974.

Application of R.S.O. 1970, c. 324

(7) The County shall be deemed to be a municipality for the purposes of *The Ontario Municipal Employees Retirement System Act*.

Placement of staff

(8) The Minister may by order do all such things as may be necessary to facilitate the placement of staff in the structure of both the County and area municipalities including providing for the protection of pension benefits, sick leave credits and holiday entitlements.

Pension rights and sick leave credits

(9) Where under the provisions of this section any employee in the opinion of the Minister experiences any difficulty or hardship with regard to the transfer of any pension rights or sick leave credits, the Minister may by order do anything necessary to remedy or alleviate such difficulty or hardship.

Termination of employment

(10) Nothing in this section prevents any employer from terminating the employment of an employee for cause.

PART III

COUNTY ROAD SYSTEM

28. In this Part,

- (a) "approved" means approved by the Minister or of a type approved by the Minister;
- (b) "construction" includes reconstruction;
- (c) "maintenance" includes repairs;
- (d) "Minister" means the Minister of Transportation and Communications;
- (e) "Ministry" means the Ministry of Transportation and Communications;
- (f) "road authority" means a body having jurisdiction and control of a highway.

29.—(1) On and after the 1st day of January, 1975, all County roads on the 31st day of December, 1974, under the jurisdiction and control of the County shall continue to form part of the county road system, together with those roads which on the 31st day of December, 1974 are under the jurisdiction and control of the Woodstock Suburban Roads Commission and the Ingersoll Suburban Roads Commission.

(2) The County Council may by by-law from time to time add roads to or remove roads from the county road system, including such boundary line roads or portions thereof between the County and an adjoining county or regional municipality as may be agreed upon between the County Council and the council of such adjoining municipality.

(3) The Lieutenant Governor in Council may transfer any highway under the jurisdiction and control of the Ministry within the County to the County and the highway shall for all purposes be deemed to be part of the county road system on such date as is designated by the Lieutenant Governor in Council and to have been transferred under section 26 of *The Public Transportation and Highway Improvement Act*.

Transfer of provincial highway to County

R.S.O. 1970, c. 201

(4) Where a road or part thereof forms part of the county road system, jurisdiction and control and the soil and freehold thereof are vested in the County.

Vesting of roads in County

(5) The Lieutenant Governor in Council may remove any road from the county road system.

Removal of roads from county roads system

Roads
removed from
system

(6) Where a road or a part thereof is removed from the county road system, except by reason of it being stopped-up pursuant to subsection 1 of section 39, such road or part is thereupon transferred to and the jurisdiction and control and the soil and freehold thereof is thereupon vested in the area municipality in which it is situate, and the area municipality may sue upon any rights or under any agreements or by-laws in the same manner and to the same extent as the County in respect of such road.

Status of land
acquired for
for widening
county road

(7) Notwithstanding subsection 10, where the County acquires land for the purpose of widening a county road, the land so acquired, to the extent of the designated widening, forms part of the road and is included in the county road system.

Idem

(8) When land abutting on a county road is dedicated for, or apparently for, widening the county road, the land so dedicated is part of the county road and the jurisdiction and control and the soil and freehold thereof is vested in the County subject to any rights in the soil reserved by the person who dedicated the land.

Consolidating
by-laws

(9) The County Council shall, on or before the 1st day of May, 1979, pass a by-law consolidating all by-laws relating to the county road system, and shall at intervals of not more than five years thereafter pass similar consolidating by-laws.

Approval
of by-laws

(10) Every by-law passed under this section shall be submitted to the Minister for approval by the Lieutenant Governor in Council and the Lieutenant Governor in Council may approve the by-law in whole or in part and, where the by-law is approved in part only, it shall be in force and take effect only so far as approved, but it shall not be necessary for the County Council to pass any further by-law amending the original by-law or repealing any part thereof that has not been approved, and every such by-law as approved is in force and effect after the day named by the Lieutenant Governor in Council.

R.S.O. 1970.
c. 410 not to
apply

(11) *The Regulations Act* does not apply to an order in council made under this section.

Plans of
construction
and
maintenance

30. The County Council shall adopt a plan of road construction and maintenance, and from time to time thereafter shall adopt such other plans as may be necessary.

Furnishing
of information
to Minister

31. Where the County proposes the construction, improvement or alteration of a county road, it shall furnish the Minister with such detailed information as he may require.

32. Where a contribution has been made from any source whatsoever towards an expenditure made under the provisions of section 84d of *The Public Transportation and Highway Improvement Act*, the amount of such contribution shall be deducted from the expenditure in the statement submitted to the Minister unless the Minister otherwise directs.

Contribution towards expenditures R.S.O. 1970, c. 201

33. The roads included in the county road system shall be maintained and kept in repair by the County.

Maintenance and repair

34. The County has, in respect of the roads included in the county road system, all the rights, powers, benefits, and advantages conferred, and is subject to all liabilities imposed, either by statute, by-law, contract or otherwise upon the Woodstock Suburban Roads Commission and the Ingersoll Suburban Roads Commission and the County may sue upon such rights or under such contracts or by-laws in the same manner and to the same extent as the Woodstock Suburban Roads Commission or the Ingersoll Suburban Roads Commission, as the case may be, might have done if the roads had not become part of the county road system.

Power over roads assumed

35.—(1) The County is not by reason of a road forming part of the county road system under this Act liable for the construction or maintenance of sidewalks on any road or portion thereof in the county road system, but the area municipality in which such sidewalks are located continues to be liable for the maintenance of such sidewalks and is responsible for any injury or damage arising from the construction or presence of the sidewalks on such road or portion thereof to the same extent and subject to the same limitations to which an area municipality is liable under section 427 of *The Municipal Act* in respect of a sidewalk on a road over which a council has jurisdiction.

Sidewalks excepted
R.S.O. 1970, c. 284

(2) An area municipality may construct a sidewalk or other improvement or service on a county road, and the County may contribute to the cost of such sidewalk, improvement or service, but no such work shall be undertaken by an area municipality without first obtaining the approval of the County Council expressed by resolution.

Area municipalities may construct sidewalks, etc.

(3) The cost of any such sidewalk, improvement or service constructed on a county road may be met out of the general funds of the area municipality or the work may be undertaken in whole or in part as a local improvement under *The Local Improvement Act*.

How cost provided
R.S.O. 1970, c. 255

(4) An area municipality when constructing such a sidewalk, improvement or service on a county road shall conform to any requirements or conditions imposed by the County

Area municipality to conform to requirements and be responsible for damage

Council and is responsible for any injury or damage arising from the construction or presence of the sidewalk, improvement or service on the road.

Installation of
traffic control
devices

36.—(1) The County may construct, install, maintain or remove any works on a highway, other than a road under the jurisdiction and control of the Ministry, including traffic control devices, for the purpose of altering or regulating the flow of traffic upon entering or leaving a road in the county road system.

Relocation of
intersecting
roads

(2) The County may relocate, alter or divert any public road, other than a road under the jurisdiction and control of the Ministry, entering or touching upon or giving access to a road in the county road system.

Idem

(3) Where, in relocating, altering or diverting a public road under subsection 2, the County constructs a new road in lieu of the public road, the County may close the public road at the point of intersection with the county road and may, by by-law vest the new road and the soil and freehold and jurisdiction and control thereof in the area municipality in which it is situate.

Construction
of sidewalk,
etc., on area
municipality
road

(4) Where the County constructs a sidewalk, improvement or service on a road under the jurisdiction and control of an area municipality, the area municipality may contribute to the cost of such sidewalk, improvement or service and the work may be undertaken in whole or in part under *The Local Improvement Act*.

R.S.O. 1970,
c. 255

Intersection
of other
roads by
county road

37. Where a county road intersects a road that is under the jurisdiction and control of an area municipality, the continuation of the county road to its full width across the road so intersected is a part of the county road system.

New roads

38. The County Council may pass by-laws for establishing and laying out new roads and for amending the by-law passed under section 29 by adding such new roads to the county road system, and the provisions of *The Municipal Act* with respect to the establishment and laying out of highways by municipalities apply *mutatis mutandis*.

R.S.O. 1970,
c. 284

Powers and
liabilities
of County

39.—(1) With respect to the roads in the county road system and the regulation of traffic thereon, the County has all the powers conferred, and is subject to all the liabilities imposed, upon the council or corporation of a city by *The Municipal Act*, *The Highway Traffic Act* and any other Act with respect to highways.

R.S.O. 1970,
cc. 284, 202

Establishment
of bus lanes

(2) The County Council or the council of any area municipality may by by-law designate any lane on any road over which it has jurisdiction as a lane solely or principally for use by public transit motor vehicles and prohibit or regulate the use thereof by vehicles other than public transit vehicles

to such extent and for such period or periods as may be specified, and for the purpose of this subsection, "public transit motor vehicle" means a motor vehicle owned and operated by, for or on behalf of the County or any area municipality as part of its passenger transportation service.

40.—(1) The County Council may by by-law prohibit or regulate the placing or erecting of,

Erection of gasoline pump and advertising device near county road

(a) any gasoline pump within 150 feet of any limit of a county road;

(b) any sign, notice or advertising device within one-quarter mile of any limit of a county road.

(2) A by-law passed under this section may provide for the issuing of permits for the placing or erecting of any gasoline pump, sign, notice or advertising device and may prescribe the form, terms and conditions thereof and the fees to be paid therefor.

Permits

41.—(1) No by-law passed by an area municipality for the regulation of traffic on a highway under the jurisdiction and control of the area municipality, except a by-law for the regulation of parking, shall come into force until it has been approved by the County Council before it is submitted for approval under *The Highway Traffic Act*.

By-laws of area municipalities regulating traffic

R.S.O. 1970, c. 202

(2) All signal-light traffic control devices heretofore or hereafter erected on a highway under the jurisdiction and control of an area municipality shall be operated, or erected and operated, in the manner prescribed by by-law of the County Council, and the County Council may delegate any of its powers in respect of the operation of such devices to an officer of the County designated in the by-law.

Signal-light devices

(3) The County may contribute toward the cost of the erection of signal-light traffic control devices erected by an area municipality.

Contribution toward cost of signal-light

(4) Subject to *The Highway Traffic Act*, the County Council may pass by-laws to regulate traffic on any highway under the jurisdiction and control of an area municipality for a distance of 100 feet on either side of the limit of a county road and where there is any conflict between such a by-law and a by-law of an area municipality, the by-law passed under this subsection prevails to the extent of such conflict.

Traffic control within 100 feet of county roads
R.S.O. 1970, c. 202

42. The County Council may by by-law authorize agreements between the County and the owners or lessees of land abutting on a highway for the construction, maintenance

Agreements for pedestrian walks

and use of walks for pedestrians over, across or under the highways upon such terms and conditions as may be agreed and for contributing to the whole or any part of the cost thereof, and for leasing or licensing the use of untravelled portions of such walks and adjoining lands to persons for such considerations and upon such terms and conditions as may be agreed.

Disputes as to maintenance, etc., of bridges and highways
R.S.O. 1970, c. 284

43.—(1) Sections 436 and 438 of *The Municipal Act* do not apply to a bridge or highway crossing or forming a boundary between the County and an adjoining municipality where such bridge or highway is included in the county road system and in the road system of the municipality.

Idem

(2) Where there is a difference between the County Council and the council of a municipality in respect of any such bridge or highway as to the corporation upon which the obligation rests for the constructing or maintaining of the bridge or highway, or as to the proportions in which the corporations should respectively contribute thereto, or where the County Council and the council of the municipality are unable to agree as to any action, matter or thing to be taken or done in respect of such bridge or highway, every such difference shall be determined by the Municipal Board upon an application by the County or the corporation of the municipality.

Hearing by O.M.B.

(3) The Municipal Board shall appoint a day for the hearing of the application, of which ten days notice in writing shall be given to the clerk of each municipality and of the County, and shall, at the time and place appointed, hear and determine all matters in difference between the municipalities, in regard to such bridge or highway, and the Municipal Board may make such order with respect to the same as it may consider just and proper, and may by the order fix and determine the amount or proportion that each municipality shall pay or contribute toward the building and maintaining of such bridge or highway.

Term of order

(4) An order made by the Municipal Board under this section is binding upon the municipalities for such period as the Municipal Board may determine, and is final and conclusive.

Boundary bridges between area municipalities
R.S.O. 1970, c. 284

44. Clause *b* of subsection 1 of section 403 of *The Municipal Act* does not apply to a bridge over a river, stream, pond or lake forming or crossing a boundary line between area municipalities, and the councils of the area municipalities on either side of such boundary line have joint jurisdiction over every such bridge that is not included in the county road system.

45. Section 418 of *The Municipal Act* does not apply to a bridge over a river, stream, pond or lake forming or crossing a boundary line between the County and an adjoining municipality, and the councils of the area municipality and the adjoining local municipality on either side of such boundary line have joint jurisdiction over every such bridge that is not included in the county road system.

Boundary
bridges
between
County and
adjoining
municipalities
R.S.O. 1970,
c. 284

46.—(1) The County Council has, with respect to all land lying within a distance of 150 feet from any limit of a county road, all the powers conferred on the council of a local municipality by section 35 of *The Planning Act*.

Restrictions
R.S.O. 1970,
c. 349

(2) In the event of conflict between a by-law passed under subsection 1 by the County Council and a by-law passed under section 35 of *The Planning Act* or a predecessor of such section by the council of a local municipality that is in force in the area municipality in which the land is situate, the by-law passed by the County Council prevails to the extent of such conflict.

Conflict with
local by-laws

47.—(1) The County Council may by by-law designate any road in the county road system, or any portion thereof, as a controlled-access road.

Controlled-
access roads

(2) Subject to the approval of the Municipal Board, the County Council may by by-law close any municipal road that intersects or runs into a county controlled-access road.

Closing
municipal
roads

(3) The Municipal Board may direct that notice of any application for approval of the closing of a road under this section shall be given at such time, in such manner and to such persons as the Municipal Board may determine, and may further direct that particulars of objections to the closing shall be filed with the Municipal Board and the County within such time as the Municipal Board shall direct.

Notice of
application
for approval
for closing
road

(4) Upon the hearing of the application for approval of the closing of a road, the Municipal Board may make such order as it considers proper refusing its approval or granting its approval upon such terms and conditions as it considers proper, and any order of the Municipal Board approving of the closing of a road may contain provisions,

Order of
O.M.B.

- (a) determining the portion or portions of the road that shall be closed;
- (b) providing for the payment of the costs of any person appearing on such application and fixing the amount of such costs; and

- (c) providing for the doing of such other acts as in the circumstances it considers proper.

Closing road (5) Upon the approval of the Municipal Board being so obtained but subject to the provisions of the order of the Municipal Board made on the application for such approval the County may do all such acts as may be necessary to close the road in respect of which the application is made.

Appeal (6) The County, or any person including an area municipality, that has filed particulars of an objection may, with the leave of the Divisional Court, appeal to that court from any order made under subsection 4.

Time for appeal (7) Application for leave to appeal shall be made within thirty days after the date of the determination or order of the Municipal Board subject to the rules of the court as to vacations.

Leave to appeal (8) The leave may be granted on such terms as to the giving of security for costs and otherwise as the court may consider just.

Practice and procedure on appeal (9) The practice and procedure as to the appeal and matters incidental thereto shall be the same, *mutatis mutandis*, as upon an appeal from a county court, and the decision of the Divisional Court is final.

R.S.O. 1970, c. 323, s. 95 not to apply (10) Section 95 of *The Ontario Municipal Board Act* does not apply to an appeal under this section.

Private roads, etc., opening upon county controlled-access road **48.** The County Council may pass by-laws prohibiting or regulating the construction or use of any private road, entranceway, structure or facility as a means of access to a county controlled-access road.

Notice **49.—(1)** The County may give notice to the owner of any land requiring him to close up any private road, entranceway, structure or facility constructed or used as a means of access to a county controlled-access road in contravention of a by-law passed under section 48.

Service of notice (2) Every notice given under subsection 1 shall be in writing and shall be served personally or by registered mail, and in the case of service by registered mail shall be deemed to have been received on the fifth day following the mailing thereof.

Failure to comply with notice (3) Where the person to whom notice is given under subsection 1 fails to comply with the notice within thirty days after its receipt, the County Council may by resolution direct

any officer, employee or agent of the County to enter upon the land of such person and do or cause to be done whatever may be necessary to close up the private road, entranceway, structure or facility as required by the notice.

(4) Every person who fails to comply with a notice given ^{Offence} under subsection 1 is guilty of an offence and on summary conviction is liable to a fine of not less than \$10 and not more than \$100 for a first offence and to a fine of not less than \$50 and not more than \$500 for a second or subsequent offence.

(5) Where a notice given under subsection 1 has been ^{Compensation} complied with, no compensation is payable to the owner of the land unless the private road, entranceway, structure or facility constructed or used as a means of access to a controlled-access road designated under subsection 1 of section 47 was constructed or used, as the case may be,

- (a) before the day on which the by-law designating the road as a controlled-access road became effective; or
- (b) in compliance with a by-law passed under section 48, in which case the making of compensation is subject to any provisions of such by-law.

50.—(1) Subject to subsection 2, no area municipality shall have any right to compensation or damages for any road forming part of the county road system. ^{County liability where road forms part of system}

(2) Where a road forms part of the county road system, ^{Idem} the County shall thereafter pay to the area municipality before the due date all amounts of principal and interest becoming due upon any outstanding debt of the area municipality in respect of such road, but nothing in this subsection requires the County to pay that portion of the amounts of principal and interest that under *The Local Improvement Act* ^{R.S.O. 1970, c. 255} is payable as the owners' share of a local improvement work.

(3) Where the County fails to make any payment required ^{Default} by subsection 2, the area municipality may charge the County interest at the rate of 12 per cent per annum thereon, or such lower rate as the council of the area municipality determines, from such date until payment is made.

(4) In the event of any doubt as to whether any out- ^{Settling of doubts} standing debt or portion thereof is a debt in respect of the road forming part of the county road system, the Municipal Board, upon application, may determine the matter and its decision is final.

Stopping-up
highways

51.—(1) Where an area municipality intends to stop up a highway or part of a highway, it shall so notify the County by registered mail.

Agreement

(2) If the County objects to such stopping up, it shall notify the council of the area municipality by registered mail within sixty days of the receipt of the notice required under subsection 1 and the highway or part thereof shall not be stopped-up except by agreement between the area municipality and the County Council and failing agreement the Municipal Board, upon application, may determine the matter and its decision is final.

Appointment
of roads
commissioner
R.S.O. 1970,
c. 366

52. The County Council shall by by-law appoint a person, who is a professional engineer registered as a civil engineer under *The Professional Engineers Act*, to administer and manage the county road system.

Application of
R.S.O. 1970,
c. 201

53. Sections 92, 94, 96, 99 and 102 of *The Public Transportation and Highway Improvement Act* apply *mutatis mutandis* with respect to any road in the county road system.

PART IV

PLANNING

Planning area

54.—(1) On and after the 1st day of January, 1975, the County shall be a municipality and a planning area for the purposes of *The Planning Act* and shall be known as the Oxford Planning Area.

R.S.O. 1970,
c. 349

Designated
municipality
R.S.O. 1970,
c. 349

(2) The County Council shall be the Planning Board of the Oxford Planning Area and may be or may constitute or appoint a land division committee for the purpose of granting consents referred to in section 29 of *The Planning Act*.

Advisory
committees

(3) The County Council may appoint such advisory and planning committees as it deems necessary.

Planning areas
and subsidiary
planning areas
dissolved

55.—(1) All planning areas and subsidiary planning areas that are included in the Oxford Planning Area together with the boards thereof including the Oxford County Planning Board are hereby dissolved on the 1st day of January, 1975, and no area municipality shall, except as provided in subsections 2, 4 and 5, exercise any powers under *The Planning Act*.

Committees of
adjustment

(2) The land division committee constituted for the County of Oxford and all committees of adjustment heretofore constituted by the council of a municipality in the Oxford Planning Area are hereby dissolved on the 1st day of January, 1975, and the council of each area municipality

is deemed to be a committee of adjustment under section 41 of *The Planning Act*, but notwithstanding the provisions of such Act no such council shall have any authority to grant consents referred to in section 29 of such Act. R.S.O. 1970, c. 349

(3) Any application pending before a committee dissolved under subsection 2 and that is not finally disposed of on or before the 31st day of December, 1974, shall continue before and the disposition thereof be completed by the County Council, the land division committee appointed under subsection 2 of section 54, or by the council of an area municipality, according to the nature of the application that is so pending. Completion of disposition of pending applications for consents, etc.

(4) The council of an area municipality may exercise the powers provided in sections 35, 36 and 38 of *The Planning Act*, but in the event that there is a conflict between a by-law passed by the County Council and a by-law passed by the council of an area municipality in the exercise of such powers the by-law passed by the County Council shall prevail. Powers under R.S.O. 1970, c. 349

(5) The County Council may delegate to the council of an area municipality any of its powers in respect of subdivision agreements. Delegation of powers re subdivision agreements

56. The County Council, before the 31st day of December, 1978, shall prepare, adopt and forward to the Minister of Housing for approval an official plan for the County, and all existing official plans in the Oxford Planning Area shall be deemed to be official plans of the County. Official plan

PART V

HEALTH AND WELFARE SERVICES

57.—(1) The County shall be deemed to be a city for all the purposes of the provisions of *The Public Hospitals Act* and *The Private Hospitals Act* respecting hospitalization and burial of indigent persons and their dependants and no area municipality has any liability under such provisions. Liability for hospitalization of indigents R.S.O. 1970, cc. 378, 361

(2) The County is liable for the hospitalization and burial, after the 31st day of December, 1974, of an indigent person or his dependant who was in hospital on the 31st day of December, 1974, and in respect of whom any local municipality within the County was liable because the indigent person was a resident of such local municipality. Existing liabilities transferred

(3) Nothing in subsection 2 relieves any such local municipality from any liability in respect of hospitalization or burials before the 1st day of January, 1975. Proviso

Aid to hospitals

58.—(1) The County may pass by-laws for granting aid for the construction, erection, establishment, acquisition, maintenance, equipping and carrying on the business of public hospitals including municipal hospitals and other health care facilities in the County and may issue debentures therefor, and no area municipality shall exercise any such powers in respect of public hospitals including municipal hospitals.

Payment of principal and interest to area municipalities

(2) The County shall pay to any area municipality, on or before the due date, all amounts of principal and interest becoming due upon any outstanding indebtedness of the area municipality in respect of aid granted by a local municipality for the purposes mentioned in subsection 1, prior to the 1st day of January, 1975, and if the County fails to pay such amounts before the due date, the area municipality may charge the County interest at the rate of 12 per cent per annum thereon, or such lower rate as the council of the area municipality determines, from such date until payment is made.

Hospital costs form part of county levy

(3) Notwithstanding the provisions of any general or special Act, payments made under this section shall form part of the levy under section 81.

Health unit continued

59.—(1) The health unit serving the County on the 31st day of December, 1974 is continued under the name of the Oxford County Board of Health on and after the 1st day of January, 1975.

Boundaries fixed

(2) Notwithstanding the provisions of any other Act, the boundaries of the health unit of the County shall not be altered except by order of the Minister of Health.

Constitution of health board

60.—(1) On and after the 1st day of January, 1975, the Oxford County Board of Health shall be composed of,

- (a) not more than seven members of the County Council appointed by the County Council; and
- (b) not more than three persons appointed by the Lieutenant Governor in Council upon the recommendation of the Minister of Health.

Remuneration of members

(2) The members of the Oxford County Board of Health appointed by the County Council shall not be paid any remuneration as members of such board, except expenses incurred in carrying out their duties.

Expenses of board

(3) Notwithstanding the provisions of any other Act, the expenses incurred by the Oxford County Board of Health in establishing and maintaining the health unit and performing its functions under *The Public Health Act* or any other Act shall be accounted for, borne and paid by the County.

R.S.O. 1970, c. 377

61.—(1) For the purposes of the following Acts, the County shall be deemed to be a city and no area municipality shall be deemed to be a municipality:

- | | |
|---|------------------------|
| 1. <i>The Anatomy Act.</i> | R.S.O. 1970,
c. 21 |
| 2. <i>The Mental Hospitals Act.</i> | R.S.O. 1970,
c. 270 |
| 3. <i>The Sanatoria for Consumptives Act.</i> | R.S.O. 1970,
c. 422 |
| 4. <i>The War Veterans Burial Act.</i> | R.S.O. 1970,
c. 490 |

(2) For the purposes of the following Acts, no area municipality shall be deemed to be a municipality and the County shall have sole responsibility as a county for all matters provided for in such Acts.

- | | |
|---|------------------------|
| 1. <i>The Day Nurseries Act.</i> | R.S.O. 1970,
c. 104 |
| 2. <i>The General Welfare Assistance Act.</i> | R.S.O. 1970,
c. 192 |
| 3. <i>The Homemakers and Nurses Services Act.</i> | R.S.O. 1970,
c. 203 |

62.—(1) No area municipality has any authority to establish, erect and maintain a home for the aged under *The Homes for the Aged and Rest Homes Act.*

Liability for
homes for aged
R.S.O. 1970,
c. 206

(2) The home for the aged known as Woodingford Lodge and all the assets and liabilities thereof vest solely in the County on and after the 1st day of January, 1975.

Assets and
liabilities vest
in county

(3) The costs of operating and maintaining Woodingford Lodge shall form part of the levy under section 81.

Levy

63.—(1) The County shall pay to the committee or board of management of any home for the aged located outside the County the cost of maintenance in such home, incurred after the 31st day of December, 1974, of every resident of such home who was admitted thereto due to residence in any area that becomes part of an area municipality.

Residents of
other homes
for aged

(2) The amount payable by the County under subsection 1 shall be such as may be agreed upon or, failing agreement, as may be determined by the Municipal Board.

Amount of
maintenance
payment

64. No area municipality shall be deemed to be a municipality for the purposes of *The Child Welfare Act*, and the County shall be deemed to be a city for the purposes of such Act.

County
deemed
municipality
under
R.S.O. 1970,
c. 64

65. The County is liable for the amounts payable on or after the 1st day of January, 1975, by any area municipality under section 88 of *The Child Welfare Act, 1965* and is entitled to recover the amounts payable to any area municipality on or after that date under that section.

Existing
liabilities
transferred
1965, c. 14

Liability under
order made
under
R.S.C. 1970,
c. J-3

66. Where an order is made under subsection 2 of section 20 of the *Juvenile Delinquents Act* (Canada) upon an area municipality, such order shall be considered to be an order upon the County, and the sums of money required to be paid under such order shall be paid by the County and not by the area municipality.

Information

67. Every area municipality and every officer or employee thereof shall, at the request of the officers of the County who are responsible for the administration of the Acts referred to in this Part, furnish forthwith to such officers any information they may require for the purposes of this Act.

Adjustments

68. In the event that there is any doubt as to whether the County is liable under this Part in respect of the liabilities imposed herein, the matter may be settled by agreement between the municipalities concerned or, failing agreement, may be determined by the Municipal Board.

Grants, etc.,
to approved
corporations
under
R.S.O. 1970,
c. 204

69. The County may grant aid to approved corporations established under *The Homes for Retarded Persons Act*, and may enter into agreements with any of such corporations with respect to the construction, operation and maintenance of homes for retarded persons.

PART VI

POLICE

Police
jurisdiction

70. On and after the 1st day of January, 1975, each police force within the County shall continue to have jurisdiction in the area in which each police force had jurisdiction on the 31st day of December, 1974.

Boards of
commis-
sioners
of police

71. All existing boards of commissioners of police and police committees are dissolved on the 31st day of December, 1974, and new boards of commissioners of police or police committees shall be established in the manner provided for in *The Police Act* in those area municipalities in which a local police force has jurisdiction.

R.S.O. 1970,
c. 351

Area rating

72. In any area municipality in which a police force has jurisdiction and such police force does not provide police service to the entire area municipality, the council of such area municipality shall be entitled to establish a police area to which the costs of policing shall be charged.

Policing
services
reviewed

73. Notwithstanding the provisions of sections 70, 71 and 72, the County Council may make application to the Minister for a review of the policing services being provided in the County.

74. At the request of the County Council the Minister ^{Authority of Minister} may, notwithstanding the provisions of sections 70, 71, 72 and 73, establish a police force for the whole or part of the County in such manner as he determines.

75. The powers of the Minister under section 74 shall be ^{Idem} exercised by order and in such event the provisions of sections 70, 71 and 72 shall cease to apply.

PART VII

COUNTY WATERWORKS SYSTEM

76.—(1) On and after the 1st day of January, 1975, the County shall have the sole responsibility for the supply and distribution of water and the financing thereof in the County and all the provisions of any general Act relating to the supply and distribution of water and the financing thereof, by a municipal corporation or a local board thereof and all of the provisions of any special Act relating to the supply and distribution of water and the financing thereof by an area municipality or a local board thereof, including *The Local Improvement Act*, apply *mutatis mutandis* to the County, except the power to establish a public utilities commission. ^{County to be sole distributor of water} ^{R.S.O. 1970, c. 255}

(2) On and after the 1st day of January, 1975, no area municipality shall have or exercise any powers under any Act for the supply and distribution of water, including the financing thereof, except as provided in subsection 7. ^{No area municipality to distribute water}

(3) All waterworks, supply systems, meters, mechanical equipment and all real and personal property of any nature whatsoever used solely or primarily for the purposes of the supply and distribution of water and all other assets, liabilities and surpluses or deficits, including reserves, of the local municipalities relating to any facility for the supply and distribution of water in the County or for any area municipality are vested in the County effective the 1st day of January, 1975, and no compensation or damages shall be payable to any area municipality in respect thereof. ^{Vesting of water supply facilities}

(4) The County shall pay to the corporation of any area municipality before the due date all amounts of principal and interest becoming due upon any outstanding debt of such area municipality in respect of the property assumed by the County under the provisions of subsection 3, but nothing in this subsection requires the County to pay that portion of the amounts of principal and interest that under *The Local Improvement Act* is payable as the owner's share of a local improvement. ^{County liability} ^{R.S.O. 1970, c. 255}

Default

(5) If the County fails to make any payment as required by subsection 4, the area municipality may charge the County interest at the rate of 12 per cent per annum thereon, or such lower rate as the Council of the area municipality determines, from such date until payment is made.

Water supply agreements

(6) With respect to any agreements entered into or matters commenced by any municipality or local board thereof in the County respecting the supply and distribution of water and the financing thereof, the County shall, on the 1st day of January, 1975, stand in the place and stead of such municipality or local board for all purposes of any such agreement or matter.

Idem

(7) The County is entitled to enter into agreements with any person, area municipality or local board thereof with respect to any of the matters provided for in this Part, and in such event the person, area municipality or local board thereof has authority to enter into such agreements.

PART VIII

COUNTY SEWAGE WORKS

County responsible for sanitary sewage

77.—(1) On and after the 1st day of January, 1975, the County shall have the sole responsibility for the collection and disposal of all sewage including the financing thereof, except as provided for in subsection 7, in the County and all of the provisions of any general Act relating to the collection and disposal of such sewage and the financing thereof by a municipal corporation or a local board thereof and all of the provisions of any special Act relating to the collection and disposal of such sewage and the financing thereof, by an area municipality or a local board thereof including *The Local Improvement Act* apply *mutatis mutandis* to the County, except the power to establish a public utilities commission.

R.S.O. 1970, c. 255

No area municipality to collect sanitary sewage

(2) On and after the 1st day of January, 1975, no area municipality shall have or exercise any powers under any Act for the collection and disposal of sewage and financing thereof, except as provided in subsections 7 and 9.

Vesting of sanitary sewage facilities

(3) All sewage works, sewer systems and treatment works, including buildings, structures, plant, machinery, equipment, devices, intakes and outfalls or outlets, or other works designed for the interception, collection, settling, treating, dispersing, disposing or discharging of sewage, except as provided in subsection 7, and all real and personal property of any nature whatsoever used solely or primarily for the purpose of the collection and disposal of such sewage in the County by any area municipality is vested in the County

on the 1st day of January, 1975, and no compensation or damages shall be payable to any area municipality in respect thereof.

(4) The County shall pay to the corporation of any area municipality before the due date all amounts of principal and interest becoming due upon any outstanding debt of such area municipality in respect of the property assumed by the County under the provisions of subsection 3, but nothing in this subsection requires the County to pay that portion of the amounts of principal and interest that under *The Local Improvement Act* is payable as the owner's share of the local improvement work. ^{County liability} ^{R.S.O. 1970, c. 255}

(5) If the County fails to make any payment as required by subsection 4, the area municipality may charge the County interest at the rate of 12 per cent per annum thereon, or such lower rate as the council of the area municipality determines from such date until payment is made. ^{Default}

(6) With respect to any agreements entered into or matters commenced by any municipality or local board thereof in the County respecting the interception, collecting, settling, treating, dispersing, disposing or discharging of sewage, including the financing thereof, except as provided for in subsection 7, the County Council shall stand in the place and stead of such municipality or local board for all purposes of any such agreement or matter. ^{Agreements}

(7) The County shall be responsible for undertaking the land drainage system including storm sewers with respect to regional roads and any surrounding lands which naturally drain into such land drainage system and may undertake a land drainage program including storm sewers in any part of the County as the County Council deems necessary and the area municipalities shall be responsible for all other land drainage systems, including storm sewers, within their respective boundaries. ^{Land drainage}

(8) Where the County undertakes a program provided for in subsection 7, the County may assume all or any portion of the land drainage system, including storm sewers, of an area municipality, without compensation, and the provisions of subsections 4 and 5 shall apply thereto, *mutatis mutandis*. ^{Assumption of area municipal land drainage systems}

(9) The County is entitled to enter into agreements with any person, area municipality or local board thereof with respect to any of the matters provided for in this Part, and in such event the person, area municipality or local board thereof has authority to enter into such agreements. ^{Idem}

PART IX

FINANCES

Interpre-
tation
R.S.O. 1970,
c. 32

78. In this Part, “rateable property” includes business and other assessment made under *The Assessment Act*.

Area muni-
cipality
deemed
municipality
under
R.S.O. 1970,
c. 405

79.—(1) Every area municipality shall be deemed to be an area municipality for all purposes of *The Regional Municipal Grants Act* and every merged area shall be deemed to be a merged area for the purposes of section 9 of that Act.

County
deemed
regional
municipality

(2) The County shall be deemed to be a regional municipality for the purposes of *The Regional Municipal Grants Act*, except that,

(a) for the purposes of any payment under that Act in the year 1975 to the County, the population of each area municipality shall be determined in such manner as the Ministry considers proper;

(b) for the purposes of this Act, “net regional levy” in *The Regional Municipal Grants Act*, means the amount required for county purposes, including the sums required by law to be provided for any board, commission or other body, but excluding school purposes, apportioned to each area municipality by section 81 of this Act, reduced by the amount credited to each area municipality under section 3 of *The Regional Municipal Grants Act*.

Application of
R.S.O. 1970,
c. 284, s. 312

(3) Section 312 of *The Municipal Act* applies *mutatis mutandis* to the county.

YEARLY ESTIMATES AND LEVIES

Yearly
estimates

80.—(1) The County Council shall in each year prepare and adopt estimates of all sums required during the year for the purposes of the County, including the sums required by law to be provided by the County for any local board of the County, and such estimates shall set forth the estimated revenues and expenditures in such detail and according to such form as the Ministry may from time to time prescribe.

Allowance
to be made
in estimates

(2) In preparing the estimates, the County Council shall make due allowance for a surplus of any previous year that will be available during the current year and shall provide for any operating deficit of any previous year and for such reserves within such limits as to type and as the Ministry may approve.

(3) The surplus or operating deficit for which the County Council shall make due allowance in preparing the estimates for the year 1975 shall be the audited surplus or operating deficit of the County on the 31st day of December, 1974, and shall include any surplus contribution made under subsection 5.

Surplus or
operating
deficit
of County
Council in
1974

(4) The amount by which any operating deficit existing for the County on the 31st day of December, 1974 exceeds the total of such County's reserves on such date shall become a charge on the municipalities that levied rates for such County in the same proportion as the last apportionment made for County purposes, and shall be paid in such proportions to the County by the appropriate area municipalities not later than the 30th day of June, 1975.

Operating
deficit,
County of
Oxford

(5) Where an operating surplus exists for the County on the 31st day of December, 1974, or where an operating deficit exists on such date that does not exceed the total of such County's reserves on such date, a sum shall be determined equivalent to,

Surplus
contribution,
City of
Woodstock,
Town of
Ingersoll

- (a) the audited surplus of the County together with the total of the County's reserves on such date; or
- (b) the total of the County's reserves less the audited deficit of the County on such date,

and such sum shall be apportioned between the City of Woodstock and the Town of Ingersoll in the proportion that the weighted equalized assessment for each municipality respectively, as ascertained under section 81 for the purpose of apportioning the County levy for 1975, bears to the total weighted, equalized assessment so ascertained for the two municipalities, and the amount apportioned to each municipality shall be paid by the municipality to the County not later than the 1st day of January, 1980.

(6) Section 43 of *The Assessment Act* and section 606 of *The Municipal Act* apply *mutatis mutandis* to the County.

Application of
R.S.O. 1970,
cc. 32, 284

81.—(1) The County Council in each year shall, subject to sections 76 and 77, levy against the area municipalities a sum sufficient,

Levy on
area
municipalities

- (a) for payment of the estimated current annual expenditures as adopted; and
- (b) for payment of all debts of the County falling due within the year as well as amounts required to be

raised for sinking funds and principal and interest payments or sinking fund requirements in respect of debenture debt of area municipalities for the payment of which the County is liable under this Act.

Apportionment

(2) The County Council shall ascertain and by by-law direct what portion of the sum mentioned in subsection 1 shall be levied against and in each area municipality.

Idem

(3) Subject to subsection 9, all amounts levied under subsection 1 shall be apportioned among the area municipalities in the proportion that the whole rateable property in each area municipality bears to the whole rateable property in the County, according to the last revised assessment rolls.

Assessment

(4) The Ministry of Revenue shall revise, equalize and weight the last revised assessment rolls of the area municipalities and, for the purpose of subsection 3, the last revised assessment rolls for the area municipalities as so revised, equalized and weighted by the Ministry of Revenue shall be deemed to be the last revised assessment rolls of the area municipalities.

Copy to County and area municipalities

(5) Upon completion by the Ministry of Revenue of the revision, equalization and weighting of assessment, the Ministry of Revenue shall notify the County and each of the area municipalities of the revised, equalized and weighted assessment of each area municipality.

Appeal

(6) If any area municipality is not satisfied with the assessment as revised, equalized and weighted by the Ministry of Revenue, the area municipality may appeal from the decision of the Ministry of Revenue by notice in writing to the Municipal Board at any time within thirty days after the notice of the revised, equalized and weighted assessment was sent to the area municipality by the Ministry of Revenue.

Idem

(7) Every notice of revision, equalization and weighting made under this section shall set out the time within which an appeal may be made to the Municipal Board with respect to such revision, equalization and weighting.

Amendment of by-law where necessary following appeal

(8) Where the last revised assessment of the area municipality has been revised, equalized and weighted by the Ministry of Revenue and has been appealed, the County Council shall forthwith after the decision of the Municipal Board on such appeal, amend, if required, the by-law passed under subsection 2 so as to make the apportionments among the area municipalities according to the assessments as revised by the Municipal Board upon such appeal, and,

- (a) where the moneys levied against an area municipality are thereby increased, the treasurer of the area municipality shall pay the amount of the increase to the treasurer of the County; and
- (b) where the moneys levied against an area municipality are thereby decreased, the treasurer of the area municipality shall be liable to pay the treasurer of the County only the reduced levy or, if the original levy has been paid by the area municipality, the treasurer of the County shall pay the amount of the decrease to the treasurer of the area municipality.
- (9) The apportionment of the levy among the area municipalities as provided for in subsections 2 and 3 shall be based on the full value of all rateable property, and, notwithstanding any general or special Act, no fixed assessment other than a fixed assessment under section 31 of *The Assessment Act*, or partial or total exemption from assessment or taxation applies thereto, except as provided in section 3 of *The Assessment Act*. Fixed assessments, etc., not to apply
R.S.O. 1970, c. 32
- (10) The assessment upon which the levy shall be apportioned among the area municipalities shall include the valuations of all properties for which payments in lieu of taxes which include a payment in respect of County levies are paid by the Crown in right of Canada or any province or any board, commission, corporation or other agency thereof or Ontario Hydro to any area municipality and the amount by which the assessment of an area municipality shall be deemed to be increased by virtue of payments under sections 304 and 304a of *The Municipal Act* and section 4 of *The Provincial Parks Municipal Tax Assistance Act, 1971* and subsection 3 of section 3 of *The Property Tax Stabilization Act, 1973*. Assessment to include valuations on properties for which payments in lieu of taxes paid
R.S.O. 1970, c. 284,
1971, c. 78,
1973, c. 73
- (11) Within fourteen days of a request by the Ministry of Revenue, the clerk of an area municipality shall transmit to the said Ministry a statement of the payments referred to in subsection 10 and the said Ministry shall revise, equalize and weight the valuations of these payments and shall notify the County and the appropriate area municipality of such valuations. Valuation of properties
- (12) One by-law or several by-laws for making the levies may be passed as the County Council may consider expedient. Levy by-laws
- (13) Subject to subsections 4, 5 and 6 of section 47 of *The Assessment Act*, in each area municipality the County levy shall be calculated and levied upon the whole rateable County levy

property rateable for such purpose within such area municipality according to the last revised assessment roll thereof.

Payment

(14) All moneys levied against an area municipality under the authority of this section shall be deemed to be taxes and are a debt of the area municipality to the County and the treasurer of every area municipality shall pay the moneys so levied to the treasurer of the County at the times and in the amounts specified by the by-law of the County Council mentioned in subsection 2.

Default

(15) If an area municipality fails to make any payment as provided in the by-law, interest shall be added at the rate of 12 per cent per annum or such lower rate as the County Council determines, from the date payment is due until it is made.

Equalized
assessment
of merged
areas

82.—(1) The Ministry of Revenue shall revise, equalize and weight each part of the last revised assessment roll of the area municipalities that relates to a merged area and each such part of the last revised assessment roll of each of the area municipalities as revised, equalized and weighted is final and binding.

Notice

(2) Upon completion by the Ministry of Revenue of the revision, equalization and weighting of assessment in an area municipality under subsection 1, the Ministry of Revenue shall notify the area municipality of the revised, equalized and weighted assessment.

Apportion-
ment among
merged areas
R.S.O. 1970,
cc. 405, 284,
32

(3) Notwithstanding section 7 of *The Regional Municipal Grants Act*, the net County levy and the sums adopted in accordance with section 307 of *The Municipal Act* for all purposes, excluding school purposes, levied against the whole rateable property of an area municipality shall be apportioned among the merged areas of such area municipality in the proportion that the total equalized and weighted assessment of each merged area bears to the total equalized and weighted assessment of the area municipality both according to the last revised assessment roll as equalized and weighted by the Ministry of Revenue under subsection 1, and subsection 9 of section 35 of *The Assessment Act* shall not apply to any apportionment by an area municipality under this subsection.

Determina-
tion of rates

(4) The rates to be levied in each merged area shall be determined in accordance with subsection 2 of section 7 of *The Regional Municipal Grants Act*.

Levy by
County
Council
before
estimates
adopted

83.—(1) Notwithstanding section 81, in the year 1975, the County Council may, before the adoption of the estimates

for that year, levy against the area municipalities a sum not exceeding 25 per cent of the aggregate levies made by all local municipalities within the County in the year 1974 for general municipal and county purposes, and any amount so levied shall be apportioned among the area municipalities in the same manner as levies made under subsection 1 of section 81 and subsections 14 and 15 of section 81 apply to such levy and, if in the opinion of the County Council this would cause undue hardship in any area municipality, the County Council may reduce the amount otherwise payable under this subsection by such area municipality.

(2) Notwithstanding section 81, in 1976 and in subsequent ^{Idem} years, the County Council may, before the adoption of estimates for that year, levy against each of the area municipalities a sum not exceeding 50 per cent of the levy made by the County Council in the preceding year against that area municipality and subsections 14 and 15 of section 81 apply to such levy.

(3) The amount of any levy made under subsection 1 or 2 ^{Levy under s. 81 to be reduced} shall be deducted from the amount of levy made under section 81.

(4) Notwithstanding section 82, the council of an area ^{Levy by area municipality before estimates adopted} municipality may in any year, before the adoption of the estimates for that year, levy in each of the merged areas in the area municipality, on the whole of the assessment for real property including business assessment in the merged area according to the last revised assessment roll, a sum not exceeding in 1975, 75 per cent and in all subsequent years 50 per cent of that which would be produced by applying to such assessment the total rate for all purposes levied in the merged area in the preceding year on residential real property of public school supporters.

(5) The amount of any levy under subsection 4 shall be ^{Levy under s. 82, to be reduced} deducted from the amount of the levy made under section 82.

(6) Subsection 4 of section 303 of *The Municipal Act* ^{Application of R.S.O. 1970, c. 284, s. 303 (4)} applies to levies made under this section.

(7) The Ministry of Revenue, for the purposes of a levy ^{Preliminary assessment} under subsection 1, shall complete a preliminary assessment and such assessment shall be deemed to be the revised equalized and weighted assessment under subsection 4 of section 81.

(8) The Ministry of Revenue shall notify the County and ^{Notice} each area municipality of the preliminary assessment referred

to in subsection 7, on or before the 31st day of January, 1975.

Rates under
R.S.O. 1970,
c. 430

84.—(1) For the purposes of levying taxes under *The Separate Schools Act*, the merged areas of an area municipality shall be deemed to be municipalities, and the council of the area municipality shall be deemed to be the council of each such merged area.

Rates for
public
school
purposes on
commercial
assessment
R.S.O. 1970,
c. 424

(2) The amount required to be levied and collected by an area municipality for public school purposes on commercial assessment determined as a result of the application of section 78 of *The Schools Administration Act* shall be apportioned among the merged areas in the ratio that the total commercial assessment for public school purposes in each merged area bears to the total commercial assessment for public school purposes in the area municipality, both as equalized and weighted by the Ministry of Revenue in accordance with subsection 1 of section 82.

Rates for
public
school
purposes on
residential
assessment
R.S.O. 1970,
c. 424

(3) The amount required to be levied and collected by an area municipality for public school purposes on residential assessment determined as a result of the application of section 78 of *The Schools Administration Act* shall be apportioned among the merged areas in the ratio that the total residential assessment for public school purposes in each merged area bears to the total residential assessment for public school purposes in the area municipality, both as equalized and weighted by the Ministry of Revenue in accordance with subsection 1 of section 82.

Rates for
secondary
school
purposes on
commercial
assessment

(4) The amount required to be levied and collected by an area municipality for secondary school purposes on commercial assessment determined as a result of the application of section 78 of *The Schools Administration Act* shall be apportioned among the merged areas in the ratio that the total commercial assessment for secondary school purposes in each merged area bears to the total commercial assessment for secondary school purposes in the area municipality, both as equalized and weighted by the Ministry of Revenue in accordance with subsection 1 of section 82.

Rates for
secondary
school
purposes on
residential
assessment

(5) The amount required to be levied and collected by an area municipality for secondary school purposes on residential assessment determined as a result of the application of section 78 of *The Schools Administration Act* shall be apportioned among the merged areas in the ratio that the total residential assessment for secondary school purposes in each merged area bears to the total residential assessment for secondary school purposes in the area municipality, both

as equalized and weighted by the Ministry of Revenue in accordance with subsection 1 of section 82.

(6) Notwithstanding subsections 2, 3, 4 and 5, where, in any year, a regulation is in force under section 33 of *The Secondary Schools and Boards of Education Act*, the apportionments referred to in the said subsections 2, 3, 4 and 5 shall be made in accordance with such regulation.

Regulations under R.S.O. 1970, c. 425 to apply

ADJUSTMENTS

85.—(1) The Minister may provide from time to time by order that, in the year or years and in the manner specified in the order, the council of any area municipality shall levy, on the whole of the assessment for real property and business assessment according to the last revised assessment roll in any specified merged area or areas, rates of taxation for general purposes which are different from the rates which would have been levied for such purposes but for the provisions of this section.

Transitional adjustments

86.—(1) For the purpose of subsection 2 of section 307 of *The Municipal Act*, the surplus of the previous year for which allowance is to be made or the operating deficit to be provided for in the estimates of the council of an area municipality for the year 1975 shall be the aggregate of the audited surpluses or operating deficits of each of the merged areas of that area municipality.

Allowances to be made in estimates of area municipalities in 1975
R.S.O. 1970, c. 284

(2) For the purpose of subsection 1, the audited surplus or operating deficit of a merged area that before the 1st day of January, 1975 comprised the whole of a local municipality shall be the audited surplus or operating deficit of such local municipality at the 31st day of December, 1974.

Merged areas

(3) For the purpose of subsection 1, the audited surplus or operating deficit of a merged area that before the 1st day of January, 1975 comprised part of a local municipality shall be an amount that is the same proportion of the audited surplus or operating deficit of the local municipality that the amount of the assessment of the merged area is of the total amount of the assessment of the local municipality, both according to the last revised assessment roll.

Idem

(4) For the purposes of this section and section 87, the audited surplus or operating deficit of a local municipality on the 31st day of December, 1974 shall be reduced or increased, as the case may be, by any payment required under subsections 4 and 5 of section 80.

Adjustment for payment under s. 87

Interpre-
tation

R.S.O. 1970,
c. 284

87.—(1) In this section, “surplus or operating deficit” includes any reserves provided for under section 2 of section 307 of *The Municipal Act*.

Surplus or
deficit at
December 31,
1974 to be
applied to
supporting
assessment

(2) The audited surplus or operating deficit of a local municipality at the 31st day of December, 1974 shall accrue to the credit of or become a charge on the assessment supporting such surplus or operating deficit and shall be provided for by adjustment of the tax rate over a period not exceeding five years from the 1st day of January, 1975.

Committees
of
arbitrators

88.—(1) The Minister may appoint committees of arbitrators for the purpose of determining the disposition, including the physical possession, of the assets and liabilities, including reserve funds, of any divided municipality.

Idem

(2) Each committee shall consist of the treasurers of the municipalities concerned with the disposition of particular assets and liabilities and reserve funds, or such other person or persons as the Minister may appoint.

Provisional
determina-
tion

(3) Before the 31st day of December, 1974, the committees shall, where appropriate, make provisional determinations of the disposition of the known assets, liabilities and reserve funds, and these dispositions shall become operative from the 1st day of January, 1975.

Final
determina-
tion

(4) As soon as possible thereafter, the committees where appropriate, shall make final determinations of the disposition of assets, liabilities and reserve funds as at the 31st day of December, 1974, together with determinations of any financial adjustments which may be necessary.

Notice

(5) The final determination made under subsection 4 shall be forwarded forthwith to the municipalities concerned, the County and the Municipal Board and unless the council of any such municipality or the County notifies the Municipal Board in writing within thirty days of the mailing of such determination that it objects to the determination, such determination shall, for the purposes of clause *a* of subsection 11 of section 14 of *The Municipal Act*, be deemed to be agreed upon by such municipalities and the County.

Idem

(6) The final determination of a disposition or an adjustment under this section shall set out the time within which an appeal may be made to the Municipal Board with respect to such determination.

Documents
and records

(7) All documents and records kept by the clerk or treasurer or other officer of each divided municipality shall

be transferred to the clerk or treasurer or other officer, as the case may be, of the area municipality designated by the appropriate committee established under subsection 1, and such documents and records shall be made available to any official of any municipality to which any other portion of the divided municipality is transferred, during the normal office hours of the municipality to which they are transferred.

(8) Notwithstanding the provisions of sections 80, 87 ^{Period of adjustment} and this section, the Minister may prescribe the period over which any adjustments and settlements made thereunder are to be made.

RESERVE FUNDS

89.—(1) Reserve funds established by local municipalities ^{Reserve funds of municipalities} for purposes for which the County has authority to spend funds and for which the council of an area municipality has no authority to spend funds are reserve funds of the County and the assets of such reserve funds are vested in the County.

(2) Reserve funds established by local municipalities, ^{Idem} other than divided municipalities, for purposes for which the councils of area municipalities have authority to spend funds and for which the County has no authority to spend funds are reserve funds of the area municipality of which the local municipality forms a part and the assets of such reserve funds are vested in such area municipality.

TEMPORARY LOANS

90.—(1) Section 332 of *The Municipal Act* applies *mutatis mutandis* to the County. ^{Application of R.S.O. 1970, c. 284, s. 332}

(2) In 1975, for the purposes of subsection 4 of section 332 of *The Municipal Act*, the amount that may be borrowed at any one time prior to the adoption of the estimates for that year shall be such amount as may be approved by the Minister. ^{Current borrowings}

DEBT

91.—(1) Subject to the limitations and restrictions in ^{Debt} this Act and *The Ontario Municipal Board Act*, the County ^{R.S.O. 1970, c. 323} Council may borrow money for the purposes of,

(a) the County;

(b) any area municipality;

- (c) the joint purposes of any two or more area municipalities,

whether under this or any general or special Act, and may issue debentures therefor on the credit of the County.

Liability

(2) All debentures issued pursuant to a by-law passed by the County Council under the authority of this Act are direct, joint and several obligations of the County and the area municipalities notwithstanding the fact that the whole or any portion of the rates imposed for the payment thereof may have been levied only against one or more of the area municipalities, but nothing in this subsection affects the rights of the County and of the area municipalities respectively as among themselves.

Limitation

(3) Notwithstanding any general or special Act, no area municipality has, after the 31st day of December, 1974, power to issue debentures.

Uncompleted works

(4) When an area municipality, on or before the 31st day of December, 1974,

R.S.O. 1970,
c. 323

(a) has applied for and obtained the final approval of the Municipal Board in respect of any work, project or other matter mentioned in subsection 1 of section 64 of *The Ontario Municipal Board Act*; and

(b) has entered into a contract for or authorized the commencement of such work, project or matter but has not prior to that date issued the debentures authorized,

the County Council upon the request of the council of the area municipality, shall pass a by-law authorizing the issue and sale of debentures of the County for the purposes and in the amount approved by the Municipal Board and shall, if required by the area municipality, issue such debentures and provide temporary financing for the area municipality in the manner provided in section 94 and no further approval of the Municipal Board is required.

Bonds,
debentures,
etc., trustee
investments
R.S.O. 1970,
c. 470

(5) Bonds, debentures and other evidences of indebtedness of the County shall be deemed to be bonds, debentures and other evidences of indebtedness of a municipal corporation for the purposes of *The Trustees Act*.

Power to
incur debt
or issue
debentures

92. Subject to the limitations and restrictions in this Act and *The Ontario Municipal Board Act*, the County

may by by-law incur a debt or issue debentures for the purposes set forth in subsection 1 of section 91 and, notwithstanding any general or special Act, such by-law may be passed without the assent of the electors of the County.

93.—(1) Where, under any general or special Act, an area ^{Idem} municipality cannot incur a debt or issue debentures for a particular purpose without the assent of its electors or without the concurrence of a specified number of the members of its council, the County Council shall not pass a by-law authorizing the issue of debentures on behalf of such area municipality for such purpose unless such assent or concurrence to the passing of the by-law by the County Council has been obtained.

(2) Nothing in subsection 1 requires the assent of any ^{Proviso} electors where such assent has been dispensed with under ^{R.S.O. 1970,} section 63 of *The Ontario Municipal Board Act*. ^{c. 323}

94.—(1) Where the Municipal Board has authorized the ^{Borrowing} borrowing of money and the issue of debentures by the County ^{pending} pending the issue and ^{issue and} sale of the debentures may agree with a bank or person for temporary advances from time to time to meet expenditures incurred for the purpose authorized, and may by by-law pending the sale of such debentures or in lieu of selling them authorize the warden and treasurer to raise money by way of loan on the debentures and to hypothecate them for the loan. ^{sale of} ^{debentures}

(2) When the Municipal Board has authorized the borrow- ^{Idem} ing of money and the issue of debentures by the County for the purposes of an area municipality, the County Council or the council of the area municipality pending the issue and sale of the debentures may, and the County Council on the request of the area municipality shall, agree with a bank or person for temporary advances from time to time to meet expenditures incurred for the purposes authorized, and the County Council may, or on the request of the area municipality shall, pending the sale of such debentures or in lieu of selling them, authorize the warden and treasurer to raise money by way of loan on the debentures and to hypothecate them for the loan, and shall transfer the proceeds of such advance or loan to the area municipality.

(3) The County may charge interest on any proceeds of an ^{Interest} advance or loan transferred under subsection 2 at a rate ^{on proceeds} sufficient to reimburse it for the cost of such advance or ^{transferred} loan.

Application
of proceeds
of loan

(4) The proceeds of every advance or loan under this section shall be applied to the purposes for which the debentures were authorized, but the lender shall not be bound to see to the application of the proceeds and, if the debentures are subsequently sold, the proceeds of the sale shall be applied first in repayment of the loan and, where the debentures were issued for the purposes of an area municipality, the balance, subject to section 106 shall be transferred to the area municipality.

Hypotheca-
tion not to
prevent sub-
sequent sale
of debentures

(5) Subject to subsection 4, the redemption of a debenture hypothecated does not prevent the subsequent sale thereof.

Principal
and interest
payments

95.—(1) Subject to subsection 2, a money by-law for the issuing of debentures shall provide that the principal shall be repaid in annual instalments with interest annually or semi-annually upon the balances from time to time remaining unpaid, but the by-law may provide for annual instalments of combined principal and interest.

Sinking
fund
debentures

(2) A money by-law for the issuing of debentures may provide that the principal shall be repaid at a fixed date with interest payable annually or semi-annually, in which case debentures issued under the by-law shall be known as sinking fund debentures.

When
debentures
to be
payable

(3) Notwithstanding any general or special Act, the whole debt and the debentures to be issued therefor shall be made payable within such term of years as the Municipal Board may approve.

Special levy
against area
municipi-
palities

(4) The by-law may provide for raising in each year, by special levy or levies against one or more area municipalities, the whole or specified portions of the sums of principal and interest payable under the by-law in such year, and each area municipality shall pay to the County such sums at the times and in the amounts specified in the by-law.

General
levy

(5) The by-law shall provide for raising in each year, by a special levy on all the area municipalities, the sums of principal and interest payable under the by-law in such year to the extent that such sums have not been provided for by any special levy or levies against any area municipality or municipalities made especially liable therefor by the by-law.

Levy by
area municipi-
palities

(6) Any special levy against an area municipality imposed by the by-law under the authority of subsection 4 may be levied by the area municipality against persons or property in the same manner and subject to the same limitations as if it were passing a by-law authorizing the issue of debentures

of the area municipality for the same purpose for the portion of the debt levied against it under subsection 4.

(7) Notwithstanding subsection 5, the County Council may by by-law,

- (a) authorize the borrowing of money by the issue of instalment debentures, the last instalment of which shall mature not earlier than ten years after the date upon which they are issued, and a specified sum of principal payable thereunder in the final year shall be raised by the issue of refunding debentures as provided in clause *b*, and it shall not be necessary to raise by special rate in the year of maturity of the debentures to be refunded an amount equal to the specified principal amount of the debentures which are being refunded; and
- (b) authorize the issue of debentures to refund at maturity outstanding debentures of the municipality, provided that the refunding debentures shall be payable within the maximum period of years that was approved by the order of the Municipal Board for the repayment of debentures issued for the debt for which the outstanding debentures were issued, commencing on the date of the debentures originally issued for such debt,

and any such by-law shall provide that the sums of principal and interest payable under the by-law shall be raised by a special levy or levies against such area municipality or municipalities as may be specified in the by-law and such levy shall be levied against the same area municipality or municipalities in each case.

(8) Any special levy against an area municipality imposed by the by-law under the authority of subsection 7 may be levied by the area municipality against persons or property in the same manner and subject to the same limitations as if it were passing a by-law authorizing the issue of debentures of the area municipality for the same purpose for the portion of the debt levied against it under subsection 7, and any levy imposed by a by-law under clause *b* of subsection 7 shall be levied by the area municipality against the same persons or property as the levy imposed by the related by-law under clause *a* of subsection 7 was levied.

(9) All levies imposed by the by-law against an area municipality are a debt of the area municipality to the County.

By-law to
change
mode of
issuing
debentures

(10) The County Council may by by-law authorize a change in the mode of issue of the debentures and may provide that the debentures be issued with coupons instead of in amounts of combined principal and interest or *vice versa*, and where any debentures issued under the by-law have been sold, pledged or hypothecated by the County Council upon again acquiring them or at the request of any holder of them, may cancel them and issue one or more debentures in substitution for them, and make such new debenture or debentures payable by the same or a different mode on the instalment plan, but no change shall be made in the amount payable in each year.

Debentures,
when to be
dated and
issued

(11) All the debentures shall be issued at one time and within two years after the passing of the by-laws unless, on account of the proposed expenditure for which the by-law provides being estimated or intended to extend over a number of years and of its being undesirable to have large portions of the money in hand unused and uninvested, in the opinion of the County Council it would not be of advantage to so issue them, and in that case the by-law may provide that the debentures may be issued in sets of such amounts and at such times as the circumstances require, but so that the first of the sets shall be issued within two years, and all of them within five years, after the passing of the by-law.

Date of
debentures

(12) All the debentures shall bear the same date, except where they are issued in sets, in which case every debenture of the same set shall bear the same date.

Idem

(13) Notwithstanding the provisions of the by-law, the debentures may bear date at any time within the period of two years or five years, as the case may be, mentioned in subsection 11 and the debentures may bear date before the date the by-law is passed if the by-law provides for the first levy being made in the year in which the debentures are dated or in the next succeeding year.

Extension
of time
for issue

(14) The Municipal Board, on the application of the County Council, the council of any area municipality or any person entitled to any of the debentures or of the proceeds of the sale thereof, may at any time extend the time for issuing the debentures beyond the two years, or the time for the issue of any set beyond the time authorized by the by-law.

Application
after time
expired

(15) The extension may be made although the application is not made until after the expiration of the two years or of the time provided for the issue of the set.

(16) Unless the by-law names a later day when it is to take effect, it takes effect on the day of its passing. Effective date

(17) Notwithstanding any general or special Act, the County Council may borrow sums for two or more purposes in one debenture by-law and provide for the issue of one series of debentures therefor. Consolidation

(18) Section 290 of *The Municipal Act* applies *mutatis mutandis* to the County. Consolidating debenture by-laws R.S.O. 1970, c. 284

(19) The by-law may provide that all the debentures or a portion thereof shall be redeemable at the option of the County on any date prior to maturity, subject to the following provisions: Redemption before maturity

1. The by-law and every debenture that is so redeemable shall specify the place or places of payment and the amount at which such debenture may be so redeemed.
2. The principal of every debenture that is so redeemable becomes due and payable on the date set for the redemption thereof, and from and after such date interest ceases to accrue thereon where provision is duly made for the payment of principal thereof, the interest to the date set for redemption and any premium payable on redemption.
3. Notice of intention so to redeem shall be sent by prepaid mail at least thirty days prior to the date set for such redemption to the person in whose name the debenture is registered at the address shown in the Debenture Registry Book.
4. At least thirty days prior to the date set for such redemption notice of intention so to redeem shall be published in *The Ontario Gazette* and in a daily newspaper of general circulation in the County and in such other manner as the by-law may provide.
5. Where only a portion of the debentures issued under the by-law is so to be redeemed, such portion shall comprise only the debentures that have the latest maturity dates and no debentures issued under the by-law shall be called for such redemption in priority to any debentures that have a later maturity date.

6. Where a debenture is redeemed on a date prior to maturity, such redemption does not affect the validity of any by-law by which special assessments are imposed or instalments thereof levied, the validity of such special assessments or levies, or the powers of the County Council to continue to levy and collect from any area municipality the subsequent payments of principal and interest payable by it to the County Council in respect of the debenture so redeemed.

Currency

(20) The by-law may provide that the debentures to be issued thereunder shall be expressed and be payable,

- (a) in lawful money of Canada and payable in Canada; or
- (b) in lawful money of the United States of America and payable in the United States of America; or
- (c) in lawful money of Great Britain and payable in Great Britain; or
- (d) subject to the prior approval of the Lieutenant Governor in Council, in a currency other than that of Canada, the United States of America or Great Britain.

Annual
rates

(21) Where under the provisions of the by-law debentures issued thereunder are expressed and made payable in lawful money of the United States of America or of Great Britain, or in any currency other than that of Canada, the County Council may in such by-law or in any amending by-law in lieu of providing for the raising in each year during the currency of the debentures specific sums sufficient to pay interest thereon or instalments of principal falling due in such year, provide that there shall be raised such yearly amount as may be necessary for such purposes and as the requirements for such purposes may from year to year vary.

Principal
levies

(22) When sinking fund debentures are issued, the amount of principal to be raised in each year shall be a specific sum which, with the estimated interest at a rate not exceeding 5 per cent per annum, capitalized yearly, will be sufficient to pay the principal of the debentures or any set of them, when and as it becomes due.

Consoli-
dated bank
accounts

(23) When sinking fund debentures are issued, the sinking fund committee shall keep one or more consolidated bank accounts in which,

- (a) the treasurer of the County shall deposit each year during the term of the debentures the moneys raised for the sinking fund of all debts that are to be paid by means of sinking funds; and
- (b) there shall be deposited all earnings derived from, and all proceeds of the sale, redemption or payment of, sinking fund investments.

(24) When sinking fund debentures are issued, there shall be a sinking fund committee that shall be composed of the treasurer of the County and two members appointed by the County Council, and the two appointed members may be paid, out of the current fund of the County, such annual remuneration as the County Council determines.

(25) The County Council may appoint an alternate member for such of the appointed members and any such alternate member has all the powers and duties of the member in the absence or inability to act of such member.

(26) The treasurer of the County shall be the chairman and the treasurer of the sinking fund committee and in his absence the appointed members may appoint one of themselves as acting chairman and treasurer.

(27) Each member of the sinking fund committee shall, before entering into the duties of his office, give security for the faithful performance of his duties and for duly accounting for and paying over all moneys that come into his hands, in such amount as the auditor of the County shall determine, and in other respects the provisions of section 233 of *The Municipal Act* apply with respect to such security.

(28) Two members of the sinking fund committee are a quorum, and all investments and disposals of investments must be approved by a majority of all the members of the committee.

(29) All assets of the sinking fund, including all consolidated bank accounts, shall be under the sole control and management of the sinking fund committee.

(30) All withdrawals from the consolidated bank accounts shall be authorized by the sinking fund committee, and all cheques on the consolidated bank accounts shall be signed by the chairman or acting chairman and one other member of the sinking fund committee.

(31) The sinking fund committee shall invest any moneys on deposit from time to time in the consolidated bank

accounts and may at any time or times vary any investments.

Idem

(32) The moneys in the consolidated bank accounts shall be invested in one or more of the following forms,

R.S.O. 1970,
c. 470

(a) in securities in which a trustee may invest under *The Trustee Act*;

(b) in debentures of the County;

(c) in temporary advances to the County pending the issue and sale of any debentures of the County;

(d) in temporary loans to the County for current expenditures, but no loan for such purpose shall be made for a period ending after the end of the calendar year in which the loan is made.

Deposit of
securities
with
Treasurer
of Ontario

(33) Any securities acquired by the sinking fund committee as investments for sinking fund purposes may be deposited with the Treasurer of Ontario.

Release of
securities
by Treasurer
of Ontario

(34) The Treasurer of Ontario shall release, deliver or otherwise dispose of any security deposited with him under subsection 33 only upon the direction in writing of the sinking fund committee.

Sinking
fund
accounts

(35) All sinking fund debentures issued on the same date, payable in the same currency, and maturing on the same date, notwithstanding they are issued under one or more by-laws shall be deemed one debt and be represented by one sinking fund account.

Earnings
credited
to sinking
fund
accounts

(36) That portion of the amount of all earnings in any year, on an accrual basis, from sinking fund investments obtained by,

(a) multiplying the amount of all such earnings by the amount of the capitalized interest for that year under subsection 22 with respect to the principal raised up to and including such year for all sinking fund debentures represented by any sinking fund account; and

(b) dividing the product obtained under clause *a* by the amount of all capitalized interest for that year under subsection 22 with respect to all principal raised up to and including such year for all outstanding sinking fund debentures,

shall be credited to the sinking fund account mentioned in clause *a*.

(37) The treasurer of the County shall prepare and lay ^{Sinking fund requirements} before the County Council in each year, before the annual County levies are made, a statement showing the sums that the County Council will be required, by by-law, to raise for sinking funds in that year.

(38) If the treasurer of the County contravenes sub- ^{Offence} section 23 or 37, he is guilty of an offence and on summary conviction is liable to a fine of not more than \$250.

(39) If the County Council neglects in any year to ^{Failure to levy} levy the amount required to be raised for a sinking fund, each member of the County Council is disqualified from holding any municipal office for two years, unless he shows that he made reasonable efforts to procure the levying of such amount.

(40) Notwithstanding this or any other Act or by-law ^{Where amount in sinking fund account more than sufficient to pay debt} if it appears at any time that the amount at the credit of any sinking fund account will be more than sufficient, with the estimated earnings to be credited thereto under subsection 36 together with the levy required to be made by the by-law or by-laws that authorized the issue of the debentures represented by such sinking fund account, to pay the principal of the debt represented by such sinking fund account when it matures, the Municipal Board, on the application of the sinking fund committee, the County Council or the council of an area municipality, may authorize the County Council or the council of an area municipality to reduce the amount of money to be raised with respect to such debt in accordance with the order of the Municipal Board.

(41) No money collected for the purpose of a sinking ^{No diversion of sinking funds} fund shall be applied towards paying any part of the current or other expenditure of the County or otherwise than is provided in this section.

(42) When there is a surplus in a sinking fund account, ^{Surplus} the sinking fund committee shall,

- (a) use the surplus to increase the amount at the credit of another sinking fund account; or
- (b) authorize the withdrawal of the surplus from the consolidated bank accounts, and the surplus shall be used for one or more of the following purposes,
 - (i) to retire unmatured debentures of the County or of an area municipality,

- (ii) to reduce the next annual levy on account of principal and interest payable with respect to debentures of the County or an area municipality,
- (iii) to reduce the amount of debentures to be issued for other capital expenditures for which the issue of debentures has been approved by the Municipal Board,

and the surplus shall be used under either clause *a* or *b* for the purposes of the County or an area municipality in the proportion that the amount of the contribution for the purposes of each bears to the total contributions to the sinking fund account in connection with which the surplus arose.

Deficit and
surplus

(43) Notwithstanding that any sinking fund debentures have been issued for the purposes of one or more area municipalities, any deficit in the sinking fund account shall be provided by the County out of its current funds and any surplus in the sinking fund account shall be used as provided in subsection 42.

Term
debentures

(44) A money by-law may authorize the issue of debentures of which a portion shall be payable on a fixed date with interest payable annually or semi-annually, in which case such debentures shall be known as term debentures.

Amounts
to be raised
annually

(45) In respect of the term debentures, the by-law shall provide for raising,

- (a) in each year of the currency of the term debentures a sum sufficient to pay the interest on the term debentures; and
- (b) in each year of the currency of the term debentures in which no other debentures issued under the same by-law become due and payable, a specific amount to form a retirement fund for the term debentures which, with interest at a rate not to exceed 5 per cent per annum compounded yearly, will be sufficient to pay the principal of the term debentures at maturity.

Retirement
fund

(46) The retirement fund for the term debentures shall be administered by the sinking fund committee in all respects in the same manner as a sinking fund established under this section and the provisions of subsections 25 to

41 of this section with respect to a sinking fund shall apply *mutatis mutandis* to such retirement fund.

96.—(1) If the Municipal Board is of the opinion that the current rate of interest so differs from the rate of interest payable on any debentures that remain unsold or undisposed of that the sale or disposal thereof may substantially decrease or increase the amount required to be provided under the by-law under which such debentures were issued, the Municipal Board may authorize the County Council to pass a by-law to amend such by-law so as to provide for,

When rate
of interest
may be
varied

- (a) a different rate of interest;
- (b) a change in the amount to be raised annually and, if necessary, in the special levies;
- (c) such other changes in such by-law or any other by-law as to the Municipal Board may seem necessary to give effect thereto;
- (d) the issue of new debentures to bear interest at the amended rate in substitution and exchange for such first-mentioned debentures; and
- (e) the cancellation of such first-mentioned debentures upon the issue of such new debentures in substitution and exchange therefor.

(2) For the purposes of this section, the hypothecation of debentures under section 94, shall not constitute a sale or other disposal thereof.

Hypotheca-
tion not a
sale under
this section

(3) The County Council may by one by-law authorized under subsection 1 amend two or more by-laws and provide for the issue of one series of new debentures in substitution and exchange for the debentures issued thereunder.

Consoli-
dation of
debentures

(4) A by-law passed under this section does not affect the validity of any by-law by which special assessments are imposed or instalments thereof levied, the validity of such special assessments or levies, or the powers of the County Council to continue to levy and collect from any area municipality the subsequent payments of principal and interest payable by it to the County Council.

Special
assessment
and levies

97.—(1) Where part only of a sum of money provided for by a by-law has been raised, the County Council

Repeal of
by-law when
part only
of money to
be raised

may repeal the by-law as to any part of the residue, and as a proportionate part of the amounts to be raised annually.

When to
take effect

(2) The repealing by-law shall recite the facts on which it is founded, shall provide that it shall take effect on the 31st day of December in the year of its passing, shall not affect any rates or levies due or penalties incurred before that day and shall not take effect until approved by the Municipal Board.

Until debt
paid certain
by-laws
cannot be
repealed

98.—(1) Subject to section 97, after a debt has been contracted under a by-law, the County Council shall not, until the debt and interest have been paid, repeal the by-law or any by-law appropriating, for the payment of the debt or the interest, the surplus income from any work or any interest therein, or money from any other source, and shall not apply to any other purpose any money of the County that has been directed to be applied to such payment.

Application
of payments

(2) When the County, by or under the authority of this Act, pays to an area municipality any amount of principal and interest becoming due upon any outstanding debentures issued by the area municipality, neither the council of the area municipality nor any officer thereof shall apply any of the moneys so paid for any purpose other than the payment of the amounts of principal and interest so becoming due.

Offence for
neglect of
officer to
carry out
by-law

99. Any officer of the County whose duty it is to carry into effect any of the provisions of a money by-law of the County who neglects or refuses to do so, under colour of a by-law illegally attempting to repeal or amend it, so as to diminish the amount to be raised annually under it, is guilty of an offence and on summary conviction is liable to a fine of not more than \$100.

Money
by-laws
may be
registered

100.—(1) Within four weeks after the passing of a money by-law, the clerk may register a duplicate original or a copy of it certified under his hand and the seal of the County in the appropriate land registry office.

Application
to quash
registered
by-law, when
to be made
R.S.O. 1970,
cc. 323, 136,
255

(2) Subject to section 61 of *The Ontario Municipal Board Act*, every by-law registered in accordance with subsection 1, or before the sale or other disposition of the debentures issued under it, and the debentures are valid and binding, according to the terms thereof, and the by-law shall not be quashed, unless within one month after the registration in the case of by-laws passed under *The Drainage Act* or

The Local Improvement Act, and in the case of other by-laws, within three months after the registration, an application or action to quash the by-law is made to or brought in a court of competent jurisdiction, and a certificate under the hand of the proper officer of the court and its seal, stating that such application has been made or action brought, is registered in such registry office within such period of three months or one month, as the case may be.

(3) After the expiration of the period prescribed by subsection 2, if no application or action to quash the by-law is made or brought, the by-law is valid and binding according to its terms. Time when by-law to be valid and binding

(4) If an application or action to quash the by-law is made or brought within the period prescribed by subsection 2, but part only of the by-law is sought to be quashed, the remainder of it, if no application or action to quash it is made or brought within that period, is after the expiration of that period, valid and binding according to its terms. Quashing part of by-law

(5) If the application or action is dismissed in whole or in part, a certificate of the dismissal may be registered, and after such dismissal and the expiration of the period prescribed by subsection 2, if it has not already expired, the by-law, or so much of it as is not quashed, is valid and binding according to its terms. Dismissal of application

(6) Nothing in this section makes valid a by-law passed without the assent of the electors of an area municipality as required by subsection 1 of section 93 or a by-law where it appears on the face of it that any of the provisions of subsection 5 of section 95 have not been substantially complied with. Illegal by-laws not validated

(7) Failure to register a by-law as prescribed by this section does not invalidate it. Failure to register

101.—(1) A debenture or other like instrument shall be sealed with the seal of the County, which seal may be engraved, lithographed, printed or otherwise mechanically reproduced thereon, and, subject to subsection 3, shall be signed by the warden, or by some other person authorized by by-law of the County to sign it, and by the treasurer. Debentures, how sealed and executed

(2) A debenture may have attached to it interest coupons that shall be signed by the treasurer and his signature may be engraved, lithographed, printed or otherwise mechani- Interest coupons

cally reproduced thereon and such interest coupons are sufficiently signed if they bear the signature of the treasurer on the date the County Council authorized the execution of the debenture or on the date the debenture bears or at the time the debenture was issued and delivered.

Mechanical
reproduction
of signatures

(3) The signature of the warden, or such other person authorized by by-law to sign the debentures or other like instruments, may be engraved, lithographed, printed or otherwise mechanically reproduced thereon, and if the debenture or other like instruments are countersigned in writing by a person authorized by by-law of the County to countersign, the signature of the treasurer may be engraved, lithographed, printed or otherwise mechanically reproduced thereon.

Effect of
mechanical
reproduction

(4) The seal of the County when so engraved, lithographed, printed or otherwise mechanically reproduced has the same force and effect as if manually affixed and the signature of the warden or such other person authorized by by-law to sign the debentures or other like instruments and, if the debentures or other like instruments are countersigned, the signature of the treasurer when so engraved, lithographed, printed or otherwise mechanically reproduced shall be deemed the signature of the warden or other person so authorized to sign or of the treasurer, as the case may be, and is binding upon the County.

Sufficiency
of signatures

(5) Any debenture or other like instrument is sufficiently signed and countersigned if it bears the signature of the persons provided in this section if such persons had authority to sign and countersign as provided in this section either on the date the County Council authorized the execution of such instrument or on the date such instrument bears or at the time it was issued and delivered.

Debentures
on which
payment has
been made
for one year
to be valid

102. Where the interest for one year or more on the debentures issued under a by-law and the principal of any debenture that has matured has been paid by the County, the by-law and the debentures issued under it are valid and binding upon the County.

Mode of
transfer
may be
prescribed

103.—(1) Where a debenture contains or has endorsed upon it provisions to the following effect:

This debenture, or any interest therein, is not, after a certificate of ownership has been endorsed thereon by the treasurer of this Corporation (or by such other person authorized by by-law of this Corporation to endorse such certificate of ownership),

transferable except by entry by the treasurer (or by such other person so authorized) in the Debenture Registry Book of the Corporation at the

.....

.....

of.....

the treasurer (or such other persons so authorized), on the application of the owner of the debenture or of any interest in it, shall endorse upon the debenture a certificate of ownership and shall enter in a book to be called the Debenture Registry Book, a copy of the certificate and of every certificate that is subsequently given, and shall also enter in such book a memorandum of every transfer of such debenture.

(2) A certificate of ownership shall not be endorsed on a debenture except by the written authority of the person last entered as the owner of it, or of his executors or administrators, or of his or their attorney, and, if the person last entered as owner of it is a corporation, the written authority of such corporation, or its successors, which authority shall be retained and filed by the treasurer.

Require-
ments as to
endorsing
certificate
of ownership

(3) After a certificate of ownership has been endorsed, the debenture, if it contains or has endorsed upon it a provision to the like effect of the provision contained in subsection 1, is transferable only by entry by the treasurer (or by such other person so authorized) in the Debenture Registry Book as and when a transfer of the debenture is authorized by the then owner of it or his executors or administrators or his or their attorney and, if the then owner of it is a corporation, the written authority of such corporation, or its successors.

Transfer by
entry in
Debenture
Registry
Book

(4) A debenture may be registered as to both principal and interest, in which case the interest thereon shall be paid by cheque and the debenture may be referred to as a fully registered debenture.

Fully
registered
debenture

104. Where a debenture is defaced, lost or destroyed, the County Council may by by-law provide for the replacing of the debenture on the payment of such fee and on such terms as to evidence and indemnity as the by-law may provide.

Replace-
ment of lost
debentures

Exchange of
debentures

105.—(1) On request of the holder of any debenture issued by the County, the treasurer of the County may issue and deliver to such holder a new debenture or new debentures in exchange therefor for the same aggregate principal amount.

On request
of sinking
fund
committee

(2) On the request of the sinking fund committee, the treasurer of the County may, as provided in this section, exchange debentures, heretofore or hereafter issued by the County.

New debenture of same force and effect as debenture surrendered

(3) Any new debenture mentioned in subsection 1 may be registered as to principal and interest but in all other respects shall be of the same force and effect as the debenture or debentures surrendered for exchange.

Debentures
surrendered
for exchange
to be
cancelled

(4) The treasurer and auditor of the County shall cancel and destroy all debentures surrendered for exchange and shall certify in the Debenture Registry Book that they have been cancelled and destroyed and shall also enter in the Debenture Registry Book particulars of any new debenture issued in exchange.

Application
of proceeds
of debentures

106.—(1) The moneys received by the County from the sale or hypothecation of any debentures to the extent that such moneys are required for the purposes for which the debentures were issued, and for the repayment of any outstanding temporary loans with respect thereto, shall be used only for such purpose or purposes.

Idem

(2) None of the moneys received by the County from the sale or hypothecation of any debentures shall be applied towards payment of the current or other expenditures of the County or an area municipality.

Surplus

(3) Where on the sale of any debenture an amount is realized in excess of that required for the purpose or purposes for which the debentures were issued, the excess amount shall be applied,

(a) if any such debentures are redeemable prior to maturity at the option of the County to redeem one or more of the debentures having the latest maturity date; or

(b) to reduce the next annual levy on account of principal and interest payable with respect to such debentures; or

(c) to reduce the amount of debentures to be issued for other capital expenditures of a similar nature

for which the issue of debentures has been approved by the Municipal Board, provided that the principal and interest charges of such debentures are levied upon the assessment of the same class of rate-payers as was levied upon for the principal and interest charges of the debentures with respect to which the excess arose.

(4) Where on the sale of any debentures a deficiency Deficiency in the amount required for the purpose or purposes for which the debentures were issued is sustained, the amount of such deficiency shall be added to the sum to be raised for the first annual payment of principal and interest with respect to the debentures and the levy made in the first year for such purpose or purposes shall be increased accordingly or shall be raised by the issue of other debentures approved by the Municipal Board for the same or any similar purpose or purposes.

107. Where real or personal property acquired out of Use of proceeds of sale of asset acquired from proceeds of sale of debentures moneys received by the County from the sale or hypothecation of any debentures is disposed of by sale or otherwise, the net proceeds of such disposal shall be applied as an excess in accordance with subsection 3 of section 106 or, with the approval of the Municipal Board, may be applied to meet the whole or a portion of any other capital expenditure the debt charges for which, if raised by taxation, would be raised by taxation levied upon the assessment of the same class of ratepayers as was levied upon for the principal and interest charges of the property disposed of or sold.

108. When the County intends to borrow money on Tenders for debentures debentures under this or any other Act, the County Council may prior to the issue thereof call for tenders for the amount of money required and the person tendering shall specify the rate of interest the debentures shall bear when issued at par.

109.—(1) The County Council shall, Accounts, how to be kept

(a) keep a separate account of every debenture debt;

(b) where the whole of a debenture debt is not payable in the current year, keep in respect thereof,

(i) an additional account for the interest, if any, and

- (ii) an additional account for the sinking fund or the instalments of principal,

distinguished from all other accounts by a prefix designating the purpose for which the debenture debt was contracted; and

- (c) keep the accounts so as to exhibit at all times the state of every debt, and the amount of money raised, obtained and appropriated for the payment of it.

Consolidated
interest
account

(2) The County Council may by by-law provide and direct that instead of a separate account of the interest upon every debt being kept, a consolidated account of the interest upon all debts may be kept, but which consolidated account shall be so kept that it will be possible to determine therefrom the true state of the interest account upon every debt and that provision has been made to meet the interest upon every debt.

Application
of surplus
money

110. If, in any year after paying the interest and appropriating the necessary sum in payment of the instalments, there is a surplus properly applicable to such debt, it shall so remain until required in due course for the payment of interest or in payment of principal.

Liability
of members

111.—(1) If the County Council applies any money raised for a special purpose or collected for a sinking fund in payment of current or other expenditures, the members who vote for such application are personally liable for the amount so applied, which may be recovered in any court of competent jurisdiction.

Action by
ratepayer

(2) If the County Council, upon the request in writing of a ratepayer of any area municipality, refuses or neglects for one month to bring an action therefor, the action may be brought by any such ratepayer on behalf of himself and all other ratepayers in the County.

Disquali-
fication

(3) The members who vote for such application are disqualified from holding any municipal office for two years.

Refinancing
of debentures

112. When, by or under the authority of this Act, the County is or becomes liable for the payment to an area municipality of all amounts of principal and interest becoming due upon any outstanding debentures issued by the area municipality, the County may, with the approval of the Municipal Board,

- (a) cancel all such debentures that have not been sold and issue new debentures of the County in substitution and exchange therefor and apply the proceeds thereof, as may be directed by the Municipal Board for the purposes for which such debentures were issued;
- (b) arrange with the area municipality for redemption of all such debentures as are redeemable and issue new debentures of the County to raise the moneys required for such redemption; and
- (c) purchase, by agreement with the owner or owners thereof, all such debentures of a single issue of the area municipality, and issue new debentures of the Corporation to raise the money required to complete such purchase.

ASSETS

113. In the year 1974, the County of Oxford or a local board thereof and any local municipality or a local board thereof shall not, after the 1st day of July, without the approval of the Minister, dispose of any asset purchased at a cost of or valued at more than \$5,000.

Disposal
of assets

PART X

GENERAL

114.—(1) Sections 5, 217, 223, 224, 229, 231, 232, 233 and 235, subsections 1, 4 and 5 of section 237, sections 238, 239, 245, 249, 250, 254 and 308 and paragraphs 3, 9, 24, 44, 46, 63, 64, 65, 66 and 67 of section 352 and Parts XV, XVI, XVII and XXI of *The Municipal Act* apply *mutatis mutandis* to the County.

Application
of
R.S.O. 1970,
c. 284

(2) Sections 10 and 11 and, subject to subsection 3 of section 2, subsection 2 of section 14 of *The Municipal Act* do not apply to any area municipality except in relation to alterations of boundaries, of area municipalities, which alterations, in the opinion of the Municipal Board, are of a minor nature.

Erections,
annexations
and
amalgama-
tions

(3) The County shall be considered to be a local municipality for the purposes of paragraphs 90 and 116 of subsection 1 of section 354 and section 394 of *The Municipal Act*.

Public
transportation
systems,
refuse
disposal,
entertain-
ment
expenses, etc.

(4) Notwithstanding any other provision in this Act, the County may pass a by-law authorizing the head of the

Delegation
of approval

department concerned to grant the approval required by subsection 2 of section 35 and any such by-law may prescribe terms and conditions under which any such approval or consent may be granted.

By-laws

(5) Every by-law of a local municipality as it exists on the 31st day of December, 1974 shall remain in force in the area of the former local municipality on and after the 1st day of January, 1975 and may be amended or repealed by the council of an area municipality as it affects such area municipality and where any such by-law pertains to a function of the County it may be amended or repealed by the County Council.

Idem

(6) Where any local municipality has passed a by-law that, prior to its coming into force requires the approval of any minister of the Crown, any provincial ministry, the Municipal Board or any provincial body or agency, and such approval has not been obtained prior to the 31st day of December, 1974, the council of the successor area municipality to such local municipality, or the County Council when the subject-matter of the by-law pertains to a function of the County, shall be entitled to initiate or continue the procedure to obtain such approval to the by-law passed by the local municipality, in so far as it pertains to such area municipality or the County and the provisions of subsection 5 apply *mutatis mutandis* to any such by-law.

Vesting of
transporta-
tion assets
in County

(7) In the event that the County establishes a transportation system in accordance with the provisions of subsection 3, no area municipality shall operate such a system and all the assets and liabilities of any area municipality used for a public transportation system vest in the County on the day such County transportation system is established, without compensation, and the County shall thereafter pay to the area municipality before the due date all amounts of principal and interest becoming due upon any outstanding debt of the area municipality in respect of any such assets.

Default

(8) If the County fails to make any payment required by subsection 7, the area municipality may charge the County interest at the rate of 12 per cent per annum thereon, or such lower rate as the council of the area municipality determines, from such date until payment is made.

Emergency
measures

115.—(1) The County may pass by-laws,

(a) for the establishment and maintenance of an emergency measures civil defence organization in the County; and

- (b) for providing moneys for emergency measures and civil defence, for the purposes of the emergency measures civil defence organization and for the cost of the operation of such organization, and for other similar work in the County,

and when a by-law passed under this subsection is in force in the County, any by-laws passed by the council of an area municipality under subclauses ii and iii of clause *b* of section 353 of *The Municipal Act* have no effect. R.S.O. 1970,
c. 284

(2) When a by-law passed under clause *a* of subsection 1 is in force, the County Council may pass by-laws, Powers
of County
Council re
emergency
measures

- (a) with the consent of the area municipality or local board concerned, for appointing heads of departments and alternates to be members of or advisers to the emergency measures planning committee or any subcommittee thereof;

- (b) with the consent of the area municipality or local board concerned, for training employees of the area municipality or local board in their emergency functions;

- (c) for appointing members of the emergency measures planning committee or of any subcommittee thereof to be in charge of such departments or utilities throughout the County, as the by-law may provide, when an emergency has been proclaimed under the *War Measures Act* (Canada) or under *The Emergency Measures Act*; R.S.C. 1970,
c. W-2.
R.S.O. 1970,
c. 145

- (d) for acquiring alternative headquarters for the County Government outside the County;

- (e) for obtaining and distributing emergency materials, equipment and supplies; and

- (f) for complying with any request of the Government of Canada or of Ontario in the event of a nuclear attack.

(3) For the purposes of *The Emergency Measures Act*, the area municipalities shall be deemed to be the local municipalities that form part of the County for municipal purposes. Deemed local
municipalities
under
R.S.O. 1970,
c. 145

116.—(1) The County may make expenditures for the purpose of diffusing information respecting the advantages Expenditures
for
diffusing
information

of the County as an industrial, business, educational, residential or vacation centre and may make annual grants for a period not exceeding five years, and upon the expiration of any such period may make similar grants for a further period not exceeding five years.

Application of R.S.O. 1970, c. 284, ss. 354 (1) par. 50, 395 (2) Paragraph 50 of subsection 1 of section 354 and section 395 of *The Municipal Act* apply *mutatis mutandis* to the County, and no area municipality shall exercise any such powers, save and except in respect of those lands acquired or held by a local municipality on or before the 31st day of December, 1974.

Grants

117. The County Council may make annual grants to institutions, associations, area municipalities and persons carrying on or engaged in works that in the opinion of the County Council are for the general advantage of the inhabitants of the County and for which grant or grants there is no express authority provided by any other Act.

Payment of damages to employees R.S.O. 1970, c. 505

118. Where, in an action or by the settlement of a claim arising out of any injury to an employee or to any person considered an employee for the purposes of *The Workmen's Compensation Act*, the County recovers damages from a third person, such damages or any portion thereof may be paid to such employee or person or, in the event of his death, to one or more of his dependants upon such terms and conditions as the County may impose.

Investigation by county judge of charges of malfeasance

1971, c. 49

119.—(1) Where the County Council passes a resolution requesting a judge of the county court within the County or a judge of the county court of a county or judicial district adjoining the County, to investigate any matter relating to a supposed malfeasance, breach of trust or other misconduct on the part of a member of the County Council, or an officer or employee of the County, or of any person having a contract with it, in regard to the duties or obligations of the member, officer, employee or other person to the County, or to inquire into or concerning any matter connected with the good government of the County or the conduct of any part of its public business, including any business conducted by a local board of the County, the judge shall make the inquiry and for that purpose has all the powers of a commission under Part II of *The Public Inquiries Act, 1971*, which Part applies to such inquiry as if it were an inquiry under that act, and he shall, with all convenient speed, report to the County Council the result of the inquiry and the evidence taken.

(2) The judge shall be paid by the County the same fees as he would be entitled to if the inquiry had been made by him as a referee under *The Judicature Act*. Fees payable to judge
R.S.O. 1970,
c. 228

(3) The County Council may engage and pay counsel to represent the County, and may pay all proper witness fees to persons summoned to give evidence at the instance of the County, and any person charged with malfeasance, breach of trust or other misconduct, or whose conduct is called in question on such investigation or inquiry, may be represented by counsel. Engaging counsel

(4) The judge may engage counsel and such other assistants and staff and incur such incidental expenses as he considers advisable for the proper conduct of the investigation or inquiry, and the County shall pay the costs thereof. Idem

120.—(1) The Lieutenant Governor in Council, upon the recommendation of the Minister, may issue a commission to inquire into any of the affairs of the County or a local board thereof, and any matter connected therewith, and the commission has the powers of a commission under Part II of *The Public Inquiries Act, 1971*, which Part applies to such inquiry as if it were an inquiry under that Act. Commission of inquiry
1971, c. 49

(2) A commission may be recommended at the instance of the Ministry or upon the request in writing of not less than one-third of the members of the County Council, or of not less than fifty ratepayers of an area municipality assessed as owners and resident therein. When commission may issue

(3) The expenses of and incidental to the execution of the commission, including the fees and disbursements of the commissioner, shall be fixed and certified by the Minister and are subject to such division between the County and the Province as the Lieutenant Governor in Council may direct. Expenses of commission

121. The County for its purposes may enter, break up, dig and trench in, upon and under the highways, lanes and other public communications of any area municipality and may construct and maintain therein pipes, sewers, drains, conduits and other works necessary for its purposes, without making compensation therefor, but all such highways, lanes and other public communications shall be restored to their original condition without unnecessary delay. Entry on highways

Agreements
re services

122. The County and any area municipality may enter into agreements for the use within any part of the County of the services of their respective officers, employees and equipment on any such terms and conditions as the councils deem necessary.

Application of
R.S.O. 1970,
c. 32

123.—(1) For the purposes of paragraph 9 of section 3 and section 35 of *The Assessment Act*, the County shall be deemed to be a municipality.

County and
area
municipalities
deemed not
tenants

(2) For the purposes of paragraph 9 of section 3 of *The Assessment Act*, where property belonging to the County is occupied by an area municipality or where property belonging to an area municipality is occupied by the county or another area municipality, the occupant shall not be considered to be a tenant or lessee, whether rent is paid for such occupation or not.

Interpretation

(3) In subsection 2, “County” and “area municipality” include a local board thereof.

Execution
against
County

124.—(1) An execution against the County may be endorsed with a direction to the sheriff to levy the amount thereof by rate, and the proceedings therein shall then be the following:

1. The sheriff shall deliver a copy of the writ and endorsement to the treasurer of the County, or leave such copy at the office or dwelling place of the treasurer, with a statement in writing of the sheriff’s fees and of the amount required to satisfy the execution, including the interest calculated to some day as near as is convenient to the day of the service.
2. If the amount with interest thereon from the day mentioned in the statement is not paid to the sheriff within one month after the service, the sheriff shall examine the assessment rolls of all the area municipalities and shall, in like manner as the levies of the County for general purposes are apportioned among the area municipalities, determine the portion of the amount mentioned in the statement that shall be levied against and in each area municipality.
3. The sheriff shall then in like manner as rates struck for general municipal purposes within each area municipality strike a rate sufficient in the dollar to cover its share of the amount due from the

execution, and in determining such amount he may make such addition to the same as the sheriff considers sufficient to cover its share of the interest up to the time when the rate will probably be available and his own fees and poundage.

4. The sheriff shall thereupon issue a precept under his hand and seal of office directed to the collector of the area municipality and shall annex to the precept the roll of such rate and shall by the precept, after reciting the writ and that the County has neglected to satisfy the same, and referring to the roll annexed to the precept, command the collector to levy such rate at the time and in the manner by law required in respect to the general annual rates.
5. If, at the time for levying the annual rates next after the receipt of such report, the collector has a general rate roll delivered to him for the year, he shall add a column thereto, headed "Execution in A.B. vs. the County of Oxford" (adding a similar column for each execution if more than one), and shall insert therein the amount by such precept required to be levied upon each person respectively, and shall levy the amount of such execution rate as aforesaid, and shall, within the time within which he is required to make the return of the general annual rate, return to the sheriff the precept with the amount levied thereon.
6. The sheriff shall, after satisfying the execution and all the fees and poundage thereon, pay any surplus, within ten days after receiving the same, to the treasurer of the area municipality.

(2) The clerk, assessor and collector of each area municipality shall, for all purposes connected with carrying into effect, or permitting or assisting the sheriff to carry into effect, the provisions of this Act with respect to such execution, be considered to be officers of the court out of which the writ issued, and as such are amenable to the court and may be proceeded against by attachment, mandamus or otherwise in order to compel them to perform the duties imposed upon them.

Function of
clerk and
treasurer

125. The Woodstock Suburban Roads Commission and the Ingersoll Suburban Roads Commission are dissolved on the 1st day of January, 1975, and all the assets and liabilities thereof vest in the County on such date.

Roads Boards
dissolved

Powers of
O.M.B.

126.—(1) In the event of any doubt as to whether any particular asset or liability is vested in the County under this Act, the Municipal Board upon application has power to determine the matter as sole arbitrator and sections 94 and 95 of *The Ontario Municipal Board Act* do not apply to decisions or orders made in the exercise of such power.

R.S.O. 1970,
c. 323

Settling of
doubts

(2) In the event of any doubt as to whether any outstanding debt or portion thereof is a debt in respect of any asset assumed by or vested in the County under this Act, the Municipal Board upon application may determine the matter and its decision is final.

Conditional
powers

127. The Lieutenant Governor in Council, upon the recommendation of the Minister, may authorize all such acts or things not specifically provided for in this Act that are considered necessary or advisable to carry out effectively the purposes of this Act.

Conflict with
other Acts

128.—(1) The provisions of this Act apply notwithstanding the provisions of any general or special Act and, in the event of any conflict between this Act and any general or special Act, this Act prevails.

Special
legislation

(2) The provisions of any special Act relating to a local municipality or local board thereof within the County, in so far as the provisions of such special Act are not in conflict with the provisions of this Act, continue in force, and the powers conferred by any such special Act may be exercised by the County or a local board thereof or by the corporation of the appropriate area municipality or a local board thereof according to whether the powers conferred by such special Act relate to a function assigned under this Act to the County or a local board thereof or to the area municipalities or local boards thereof.

Municipal
buildings

129.—(1) The County or an area municipality or the County and one or more area municipalities,

(a) may acquire land for the purpose of constructing municipal buildings; and

(b) may construct municipal buildings for the use of the County or the County and one or more area municipalities or any local board thereof.

Application of
R.S.O. 1970,
c. 284

(2) Section 256 of *The Municipal Act* applies *mutatis mutandis* to any joint undertaking under this section.

130.—(1) In this section, “waste” includes ashes, garbage, refuse, domestic waste, industrial solid waste or municipal refuse, and such other waste as may be designated by by-law of the County Council. Interpretation

(2) On and after the 1st day of January, 1975, the County shall provide facilities for the purpose of receiving, dumping and disposing of waste, and no area municipality shall provide such facilities. Receiving and disposing of waste by County

(3) For the purposes of subsection 2, the County may acquire and use land within the County and may erect, maintain and operate all facilities including buildings, structures, machinery or equipment for the purposes of receiving, dumping and disposing of waste, and may contract with any person, including Her Majesty in right of Ontario, for such purposes, and may prohibit or regulate the dumping and disposing of waste or any class or classes thereof upon such land, and may charge fees for the use of such property, which fees may vary in respect of different classes of waste, and all such existing facilities and lands of a local municipality to the extent they are used for such purposes vest in the County on the 1st day of January, 1975, without compensation. Waste disposal sites

(4) The County shall pay to the corporation of any area municipality on or before the due date all amounts of principal and interest becoming due upon any outstanding debt of such area municipality in respect of the property assumed by the County under the provisions of subsection 3. Payment of principal and interest to area municipalities

(5) If the County fails to make any payment required by subsection 4, the area municipality may charge the County interest at the rate of 12 per cent per annum thereon or such lower rate as the council of the area municipality determines, from such date until payment is made. Default

(6) In the event of any doubt as to whether any outstanding debt or portion thereof was incurred in respect of any property vested in the County under this section, the Municipal Board may determine the matter and such determination is final and binding. O.M.B. to arbitrate

(7) For the purposes of subsection 3, paragraph 77 of subsection 1 of section 354 of *The Municipal Act* applies *mutatis mutandis*. Application of R.S.O. 1970, c. 284

131. Where any agreement has been entered into or proceeding commenced by a local municipality, providing Successor rights

the terms thereof are not inconsistent with the provisions of this Act, the County or the appropriate area municipality shall on and after the 1st day of January, 1975, be deemed to stand in the place and stead of such local municipality for all purposes in so far as the agreement or proceeding pertains to the functions of the County or area municipality.

County Fire
Co-ordinator

132. The County shall appoint a County Fire Co-ordinator who shall be responsible for the establishment of an emergency fire service plan and program for the County including the establishment of a communications system and training facilities for fire fighters, and the County is authorized to expend such sums as it considers necessary to implement such plan and program.

Existing
speed limits
continued

R.S.O. 1970,
c. 202

133.—(1) Notwithstanding the other provisions of this Act but subject to subsections 2 and 3, for the purposes of section 82 of *The Highway Traffic Act* the area in the County that, on the 31st day of December, 1974, formed part of a city, town, village or township municipality shall be considered to continue to form part of a city, town, village or township municipality.

By-laws of
County and
area
muni-
cipalities

(2) Notwithstanding subsection 1, the County Council and the council of each area municipality may exercise any of its powers under section 82 of *The Highway Traffic Act* in respect of highways under its jurisdiction and control.

Existing
speed limits
continued

(3) Every by-law passed by the council of a municipality under any provision of section 82 of *The Highway Traffic Act* that applied, on the 31st day of December, 1974, to any highway or portion thereof within the County shall continue to apply thereto until a by-law passed by the County Council or the council of an area municipality under such section 82 applies thereto.

Non-
application
of
R.S.O. 1970,
c. 354, s. 108

134.—(1) On and after the 1st day of January, 1975, no area municipality shall be required to comply with section 108 of *The Power Corporation Act*.

Distribution
of electrical
power

(2) Where, on the 31st day of December, 1974, Ontario Hydro or a public utilities commission or a hydro-electric commission is supplying electrical power and energy in any area within the County, such commission shall continue, until a date to be determined by the Minister, to distribute and sell power within such area and such commission shall be deemed to be a local board of the area municipality in which it has jurisdiction and where any such commission is serving in two or more municipalities it shall be deemed to be a local board of the municipality which has the higher or highest assessment to which electrical power and energy is being supplied.

(3) The members of a public utilities commission or a hydro-electric commission referred to in subsection 2 including *ex officio* members, who hold office when this section comes into force, shall continue to hold office until a date to be determined by the Minister and in addition to such members, the mayor elected for the area municipality or area municipalities in which such a commission operates shall also be a member of such commission. Members of commission continue in office

(4) All public utilities commissions and waterworks commissions within the County, except those referred to in subsection 2, are hereby dissolved on the 1st day of January, 1975. Commissions dissolved

(5) A person who is a member of a commission referred to in this section is not disqualified to be elected a member of the County Council or the council of an area municipality or to sit or vote therein by reason of being a member of such commission. Member of commission not disqualified

135.—(1) On the 31st day of December, 1974, all community centre boards and all boards of recreation or park management in a local municipality are dissolved and the assets and liabilities thereof become, on the 1st day of January, 1975, the assets and liabilities of the area municipality of which the local municipality becomes a part, and in the event the area of jurisdiction of any such board is divided between two area municipalities, the committee of arbitration appointed under section 88 shall make the determination of the disposition of such assets and liabilities in the manner prescribed in that section. Boards, etc., dissolved

(2) The council of an area municipality shall be deemed to be a recreation committee under *The Ministry of Community and Social Services Act* and the regulations thereunder, and a board of a community centre under *The Community Centres Act*. Council deemed recreation committee
R.S.O. 1970, cc. 120, 73

136. Section 38 of *The Secondary Schools and Boards of Education Act* applies to the election of the members of The Oxford County Board of Education and section 90 of *The Separate Schools Act* applies to the election of the members of The Oxford County Roman Catholic Separate School Board, except that, notwithstanding *The Municipal Elections Act*, 1972, in the year 1974, Election
R.S.O. 1970, cc. 425, 430
1972, c. 95

- (a) the polling day for the members of The Oxford County Board of Education and of The Oxford County Roman Catholic Separate School Board shall be the 7th day of October, and the hours of polling

shall be the same as for the municipal elections in the County and the members elected on such date shall take office on the 1st day of January, 1975, and continue to hold such office until the 31st day of December, 1976;

(b) the Minister shall, by order, provide for nomination of candidates for The Oxford County Board of Education and for The Oxford County Roman Catholic Separate School Board and may by order provide for any other matters necessary to hold the elections for such boards; and

(c) any reference in such sections to the 1st day of September, the 15th day of September or the 1st day of October shall be deemed to be a reference to the 1st day of August, the 15th day of August or the 1st day of September, respectively.

R.S.O. 1970,
c. 284,
s. 244, not
to apply

137. Section 244 of *The Municipal Act* does not apply to the council of a local municipality in the County in the year 1974.

Apportion-
ment of
operating
costs of
County
library
system

138. The operating costs of the County library system shall be apportioned amongst the area municipalities, with the exception of the City of Woodstock and the Town of Tillsonburg, in the proportion that the equalized, weighted assessment for each such area municipality respectively, as ascertained under section 81, bears to the total equalized, weighted assessment for such area municipalities.

Organi-
zational
expenses

139.—(1) The Lieutenant Governor in Council may, by order, provide for payments to be made out of the Consolidated Revenue Fund towards the organization expenses of the County.

Terms of
payment

(2) Payments made under this section shall be made on such terms and conditions as the Minister may direct.

Commence-
ment

140.—(1) This Act, except Parts V, VII and VIII and sections 78 to 87 and 89 to 112 of Part IX, comes into force on the day it receives Royal Assent.

Idem

(2) Parts V, VII and VIII and sections 78 to 87 and 89 to 112 of Part IX come into force on the 1st day of January, 1975.

Short title

141. This Act may be cited as *The County of Oxford Act, 1974*.

FORM 1

(Section 10 (2))

OATH OF ALLEGIANCE

I,, having been elected (*or appointed*) as Warden of the council of the County of Oxford, do swear that I will be faithful and bear true allegiance to Her Majesty Queen Elizabeth II (*or the reigning sovereign for the time being*).

Sworn before me, etc.

FORM 2

(Section 10 (2))

DECLARATION OF QUALIFICATION BY WARDEN

I,, having been elected (*or appointed*) as Warden of the council of the County of Oxford declare that:

1. I am a Canadian citizen or other British subject and am not a citizen or a subject of any foreign country.

2. I am of the full age of eighteen years.

3. I am not an employee of any area municipality or local board of any area municipality.

4. I have taken the oath of allegiance (Form 1) which I attach hereto.

And I make this solemn declaration conscientiously believing it to be true and knowing that it is of the same force and effect as if made under oath.

Declared before me, etc.

An Act to restructure
the County of Oxford

1st Reading

June 14th, 1974

2nd Reading

June 25th, 1974

3rd Reading

THE HON. J. WHITE
Treasurer of Ontario and Minister of
Economics and Intergovernmental
Affairs

*(Reprinted as amended by the
Committee of the Whole House)*

Ontario
Legislative Assembly

BILL 95

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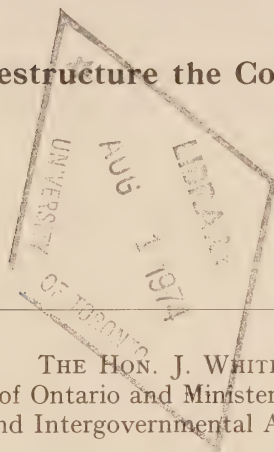
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-B 56

4TH SESSION, 29TH LEGISLATURE, ONTARIO
23 ELIZABETH II, 1974

An Act to restructure the County of Oxford



THE HON. J. WHITE
Treasurer of Ontario and Minister of Economics
and Intergovernmental Affairs

TORONTO

PRINTED BY J. C. THATCHER, QUEEN'S PRINTER FOR ONTARIO

An Act to restructure the County of Oxford

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

INTERPRETATION

1. In this Act,

Interpre-
tation

- (a) "area municipality" means the municipality or corporation of the City of Woodstock, the Town of Ingersoll, the Town of Tillsonburg and the Township of Blandford-Blenheim and such other municipalities as constituted by section 2;
- (b) "bridge" means a public bridge, and includes a bridge forming part of a highway or on, over, under or across which a highway passes;
- (c) "County" means the County of Oxford;
- (d) "County Council" means the council of the County;
- (e) "county road" means a road forming part of the county road system established under Part III;
- (f) "debt" includes any obligation for the payment of money;
- (g) "divided municipality" means a local municipality parts of which are annexed to two or more municipalities under subsection 1 of section 2;
- (h) "highway" and "road" means a common and public highway or any part thereof, and include a street, bridge, and any other structure incidental thereto or any part thereof;

- (i) "land" includes lands, tenements and hereditaments and any estate or interest therein, and any right or easement affecting them, and land covered with water, and includes any buildings or improvements on land;
- (j) "local board" means any school board, public utility commission, transportation commission, public library board, board of park management, local board of health, board of commissioners of police, planning board or any other board, commission, committee, body or local authority established or exercising any power or authority under any general or special Act with respect to any of the affairs or purposes, including school purposes, of the area municipality or of two or more area municipalities or parts thereof;
- (k) "local municipality" means in the year 1974 any local municipality or portion thereof in the County;
- (l) "merged area" means a local municipality that is amalgamated with another local municipality or a part of a local municipality that is annexed to a local municipality to constitute an area municipality under subsection 1 of section 2 or the local municipality to which such part is annexed;
- (m) "Minister" means the Treasurer of Ontario and Minister of Economics and Intergovernmental Affairs;
- (n) "Ministry" means the Ministry of Treasury, Economics and Intergovernmental Affairs;
- (o) "money by-law" means a by-law for contracting a debt or obligation or for borrowing money;
- (p) "Municipal Board" means the Ontario Municipal Board;
- (q) "roadway" means that part of the highway designed or intended for use by vehicular traffic.

PART I

AREA MUNICIPALITIES

Constitution
of area muni-
cipalities

2.—(1) On the 1st day of January, 1975,

- (a) the City of Woodstock is continued as a city municipality;

- (b) the Town of Ingersoll is continued as a town municipality;
- (c) the Town of Tillsonburg is continued as a town municipality and portions of the Township of Dereham described as follows are annexed to such town:

FIRSTLY, part of the Township of Dereham, commencing at the south east angle of the Township of Dereham;

THENCE northerly along the east boundary of the Township of Dereham to the north limit of the road allowance between concessions XI and XII;

THENCE westerly along the north limit of the road allowance between concessions XI and XII to the boundary of the Town of Tillsonburg;

THENCE following the boundaries between the Township of Dereham and the Town of Tillsonburg to the south boundary of the said Township;

THENCE easterly along the south boundary of the Township of Dereham to the point of commencement;

SECONDLY, part of the Township of Dereham, commencing at the intersection of the south boundary of the Township of Dereham and the southerly prolongation of the west limit of Lot 8 in Concession XII;

THENCE northerly along the west limit of Lot 8 in concessions XII, XI and X, respectively, to the centre line of Concession X;

THENCE easterly along the centre line of Concession X to the east limit of Lot 3 in Concession X;

THENCE southerly along the east limit of Lot 3 in Concession X and its prolongation to an angle in the Town of Tillsonburg;

THENCE westerly and southerly following the boundaries between the Township of Dereham and the Town of Tillsonburg to the south boundary of the Township of Dereham;

THENCE westerly along the south boundary of the Township of Dereham to the point of commencement.

- (d) The Corporation of the Township of Blandford and The Corporation of the Township of Blenheim are amalgamated as a township municipality bearing the name of The Corporation of the Township of Blandford-Blenheim.
- (e) The Corporation of the Township of East Zorra and The Corporation of the Village of Tavistock are amalgamated as a township municipality bearing the name of The Corporation of the Township of East Zorra-Tavistock, and the portion of the Township of North Oxford described as follows, is annexed to such Township:

COMMENCING at the intersection of the north boundary of the Township of North Oxford and the northerly prolongation of the west limit of Lot 26 in Concession I;

THENCE southerly to and along the west limit of Lot 26 in Concession I and its prolongation to the middle of the main channel of the Thames River;

THENCE easterly along the middle of the main channel of the Thames River to the west boundary of the City of Woodstock;

THENCE following the boundaries between the Township of North Oxford and the City of Woodstock to the north boundary of the Township of North Oxford;

THENCE westerly along the north boundary of the Township of North Oxford to the point of commencement.

- (f) The Corporation of the Township of East Nissouri, The Corporation of the Village of Embro and The Corporation of the Township of West Zorra are amalgamated as a township municipality and the portion of the Township of North Oxford, described as follows, is annexed to such Township:

COMMENCING at the northwest angle of the Township of North Oxford;

THENCE southerly along the west boundary of the Township of North Oxford and its prolongation in accordance with subsection 1 of section 11 of *The Territorial Division Act*, being chapter 458 of the Revised Statutes of Ontario, 1970, to the middle of the main channel of the Thames River;

THENCE easterly along the middle of the main channel of the Thames River to the west boundary of the separated Town of Ingersoll;

THENCE following the boundaries between the Township of North Oxford and the separated Town of Ingersoll to the middle of the main channel of the Thames River;

THENCE easterly along the middle of the main channel of the Thames River to the boundary of the Village of Beachville;

THENCE following the boundaries between the Township of North Oxford and the Village of Beachville to the middle of the main channel of the Thames River;

THENCE easterly along the middle of the main channel of the Thames River to the southerly prolongation of the east limit of Lot 25 in Concession I of the Township of North Oxford;

THENCE northerly to and along the east limit of said Lot 25 and its prolongation to the north boundary of the Township of North Oxford;

THENCE westerly along the north boundary of the Township of North Oxford to the point of commencement.

- (g) The Corporation of the Township of East Oxford, The Corporation of the Township of North Norwich, The Corporation of the Village of Norwich and The Corporation of the Township of South Norwich are amalgamated as a township municipality bearing the name of The Corporation of the Township of Norwich.
- (h) The Corporation of the Village of Beachville and The Corporation of the Township of West Oxford are amalgamated as a township municipality bearing the name of The Corporation of the Township of South-West Oxford, and the portion of the Township of Dereham, described as follows, is annexed to such Township:

COMMENCING at the intersection of the east boundary of the Township of Dereham and the north limit of the road allowance between concessions XI and XII;

THENCE westerly along the north limit of the road allowance between concessions XI and XII to the boundary of the Town of Tillsonburg;

THENCE northerly along the boundary of the Town of Tillsonburg to its northeast angle;

THENCE northerly to and along the east limit of Lot 3 in Concession X in the Township of Dereham to the centre line of Concession X;

THENCE westerly along the centre line of Concession X to the west limit of Lot 8 in Concession X;

THENCE southerly along the west limit of Lot 8 in concessions X, XI and XII and its prolongation to the south boundary of the Township of Dereham;

THENCE westerly along the south boundary of the Township of Dereham to its southwest angle;

THENCE northerly along the west boundary of the Township of Dereham to its northwest angle;

THENCE easterly along the north boundary of the Township of Dereham to its northeast angle;

THENCE southerly along the east boundary of the Township of Dereham to the point of commencement.

Dissolution
of police
villages

(2) The following police villages are dissolved on the 1st day of January, 1975:

1. The Police Village of Bright.
2. The Police Village of Burgessville.
3. The Police Village of Drumbo.
4. The Police Village of Innerkip.
5. The Police Village of Otterville.
6. The Police Village of Plattsville.
7. The Police Village of Princeton.
8. The Police Village of Thamesford.

Amalgama-
tions,
annexations
and
dissolutions
deemed by
O.M.B. orders
R.S.O. 1970,
cc. 323, 284

(3) For the purposes of every Act, the amalgamations, annexations and dissolutions provided for in this Part shall be deemed to have been effected by orders of the Municipal Board not subject to section 42 of *The Ontario Municipal Board Act* or to petition or appeal under section 94 or 95 of

such Act, made on the day this section comes into force pursuant to applications made under sections 14 and 25 of *The Municipal Act* and, subject to the provisions of this Act, the Municipal Board, upon the application of any area municipality or any local board thereof or of its own motion, may exercise its powers consequent upon such amalgamations, annexations and dissolutions, and sections 94 and 95 of *The Ontario Municipal Board Act* do not apply to decisions or orders made in the exercise of such powers and "municipalities" in clause *a* of subsection 11 of section 14 of *The Municipal Act* includes, for the purposes of such clause, the area municipalities to which territory is annexed.

(4) If directed by order of the Minister, a vote of the electors of any area municipality as established under subsection 1 shall be taken at the same time as the election for the first council of the area municipality, to determine from among the names designated by the Minister, which name the area municipality shall bear and, following the vote, the Minister shall by order,

Referendum
re area
municipality
names

(a) confirm the name of the area municipality as set out in subsection 1; or

(b) declare the name that the area municipality shall bear,

and where a declaration is made under clause *b*, all references to such area municipalities shall be deemed to refer to such area municipalities as designated in the declaration.

3.—(1) On and after the 1st day of January, 1975, the council of each area municipality shall be composed of a mayor, who shall be elected by a general vote of the electors of the area municipality and shall be the head of the council, and the following number of other members of council:

Composition
of area
municipal
councils

1. The City of Woodstock—except as may be provided under subsection 3, eight members elected by a general vote of the electors of the area municipality, and, the five members receiving the highest number of votes shall be members of the County Council, except that in the event that any one of such five members decline to accept membership in the County Council, the member of such area municipality receiving the next highest number of votes in declining order shall be entitled to be a member of the County Council.
2. The Town of Ingersoll—six members, one of whom shall be elected by a general vote of the electors of the area municipality as a member of the council

of the area municipality and of the County Council, and five members elected in the manner provided for by order of the Minister made under subsection 3.

3. The Town of Tillsonburg—eight members, one of whom shall be elected by a general vote of the electors of the area municipality as a member of the council of the area municipality and of the County Council, and seven members elected in the manner provided for by order of the Minister made under subsection 3.
4. The Township of Blandford-Blenheim—six members, one of whom shall be elected by a general vote of the electors of the area municipality as a member of the council of the area municipality and of the County Council, and five members elected in the manner provided for by order of the Minister made under subsection 3.
5. The Township of East Zorra-Tavistock—eight members, one of whom shall be elected by a general vote of the electors of the area municipality as a member of the council of the area municipality and of the County Council, and seven members elected in the manner provided for by order of the Minister made under subsection 3.
6. The Township constituted under clause *f* of subsection 1 of section 2—ten members, one of whom shall be elected by a general vote of the electors of the area municipality as a member of the council of the area municipality and of the County Council, and nine members elected in the manner provided for by order of the Minister made under subsection 3.
7. The Township of Norwich—ten members, one of whom shall be elected by a general vote of the electors of the area municipality as a member of the council of the area municipality and of the County Council, and nine members elected in the manner provided for by order of the Minister made under subsection 3.
8. The Township of South-West Oxford—eight members, one of whom shall be elected by a general vote of the electors of the area municipality as a member of the council of the area municipality and of the County Council, and seven members elected in the manner provided for by order of the Minister made under subsection 3.

First
elections and
term of office

(2) With respect to the area municipalities, elections of the first councils shall be held in the year 1974, and the

day of polling shall be the 7th day of October and the first councils elected shall hold office for the years 1975 and 1976.

(3) For the purposes of the elections of the first councils ^{Idem} of the area municipalities and the members thereof to represent the area municipalities on the County Council,

(a) the Minister may by order, divide into wards any area municipality as constituted by section 2 and make provision for the respective numbers of members of council of the area municipality and of the County Council, to be elected in the respective wards and such wards shall remain in effect until altered by the Municipal Board;

(b) the Minister may by order, provide for the qualification of candidates and,

(i) provide for the qualification of electors, nominations, the appointment of returning officers, the holding of the elections, the preparation of polling lists, and

(ii) provide for such other matters as he considers necessary to hold the elections.

(4) Subsections 2 and 3 apply to the elections of the first ^{Application of} councils of the area municipalities notwithstanding *The Municipal Elections Act, 1972*, c. 95.

(5) The members of the council of each area municipality ^{Organization committee in 1974} elected in the year 1974 shall comprise a committee in their respective area municipalities to do anything in that year necessary for the purposes of organization, policy and planning of the area municipality.

4. The expenses of the local municipalities for the elections ^{First election expenses} to elect members of the councils of the area municipalities in the year 1974 shall, as approved by the Minister, be paid out of the Consolidated Revenue Fund.

5. No area municipality shall have a Board of Control. ^{No Board of Control}

PART II

ESTABLISHMENT OF THE COUNTY COUNCIL

6.—(1) The County of Oxford is continued and on and after the 1st day of January, 1975 shall exercise the powers and duties and be subject to the obligations and liabilities ^{County re constituted} provided for in this Act.

Organi-
zational
powers of
County
Council
in 1974

(2) The County Council elected in the year 1974 in accordance with the provisions of this Act may exercise all such powers as may be necessary to organize and plan for the implementation of the expanded powers and duties of the County on and after the 1st day of January, 1975.

Continuation
in office of
County
Council

(3) The County Council in office in the year 1974 shall continue until the 31st day of December, 1974, but the provisions of this Act shall not apply to such County Council.

Deemed
municipality
under
R.S.O. 1970,
cc. 118, 323

(4) The County on and after the 1st day of January, 1975 shall be deemed to be a municipality for the purposes of *The Municipal Affairs Act* and *The Ontario Municipal Board Act*.

Minister's
authority

(5) The Minister may by order deem the County to be a regional municipality for the purposes of any general or special Act.

County
deemed not
municipality
for purposes
of
R.S.O. 1970,
c. 284

(6) The County shall not, except as provided for in this Act, be a municipality for the purposes of *The Municipal Act* on and after the 1st day of January, 1975.

County
Council to
exercise cor-
porate
powers

7.—(1) The powers of the County shall be exercised by the County Council and, except where otherwise provided, the jurisdiction of the County Council is confined to the County.

Powers
exercised by
by-law

(2) Except where otherwise provided, the powers of the County Council shall be exercised by by-law.

Not to be
quashed as
unreasonable

(3) A by-law passed by the County Council in the exercise of any of its powers and in good faith shall not be open to question, or be quashed, set aside or declared invalid either wholly or partly, on account of the unreasonableness or the supposed unreasonableness of its provisions or any of them.

Composition
of County
Council

8.—(1) The County Council shall comprise twenty members consisting of,

- (a) in the year 1974, the mayor-elect of each area municipality and thereafter the mayor of each area municipality;
- (b) five members of council of the City of Woodstock elected as members of the County Council under section 3; and
- (c) one member of council of each area municipality, except the City of Woodstock, elected as members of the County Council under section 3.

Term of
office

(2) The members elected to the County Council in the year 1974, under the provisions of subsection 1, shall hold office for the years, 1974, 1975 and 1976.

(3) On and after the 1st day of January, 1977 the term of office of the County Council shall be two years. ^{Idem}

9.—(1) The County Council shall, on or before the 15th day of October, 1974, meet at a time and place and under the chairmanship of a person designated by the Minister to choose a person who will preside as interim warden and act as clerk at the first meeting of the County Council in the year 1974 after such date. ^{Interim warden}

(2) At the first meeting of the County Council in the year 1974 and 1977 and every second year thereafter at which a quorum is present, the County Council shall organize as a council and elect from amongst its members a warden who shall hold office, for that term of the council and until his successor is elected, and at such meeting in the year 1977 and every second year thereafter the clerk shall preside until the warden is elected and the warden so elected shall retain his seat on the council of the area municipality to which he was elected. ^{Election of warden}

(3) At the first meeting of the County Council in any year at which the warden is to be elected, the Council shall conduct a draw by lot to determine the area municipality which shall cast the additional vote in the event of a tie to elect the warden. ^{Election of warden}

(4) If, at the first meeting of the County Council in the year 1974 and any subsequent first meeting, a warden is not elected, the presiding officer may adjourn the meeting from time to time, and, if a warden is not elected at any adjourned meeting held within one week after the first meeting, the Lieutenant Governor in Council shall appoint a warden to hold office for that year and the following year and until his successor is elected in accordance with this Act. ^{Failure to elect warden}

10.—(1) The first meeting of the County Council in the year 1974 shall be held on or after the 18th day of October, 1974, at such date, time and place as the interim warden may determine, and the interim warden shall give to each person entitled to be a member of the County Council at least forty-eight hours notice of the date, time and place of such meeting. ^{First meeting in 1974}

(2) The warden, before taking his seat, shall take an oath of allegiance in Form 1 and a declaration of qualification in Form 2. ^{Oath of allegiance and declaration of qualification}

(3) No business shall be proceeded with at the first meeting of the County Council until after the declarations of office in Form 20 of *The Municipal Act* have been made by all members who present themselves for that purpose. ^{Declaration of office}
^{R.S.O. 1970, c. 284}

When
County
Council
deemed
organized

(4) The County Council shall be deemed to be organized when the declarations of office have been made by a sufficient number of members to form a quorum as provided for in section 11.

Quorum,
voting

11.—(1) Eleven members of the County Council representing four area municipalities are necessary to form a quorum and the concurring votes of a majority of members present are necessary to carry any resolution or other measure.

One vote

(2) Each member of the County Council has one vote only.

Place of
meeting

12. Subject to section 10, all meetings of the County Council shall be held at such place within the County and at such times as the County Council from time to time appoints.

Vacancies,
warden

13.—(1) When a vacancy occurs in the office of a warden who has been elected under subsection 2 of section 9, the County Council shall, at a general or special meeting to be held within twenty days after the vacancy occurs, elect a warden who shall be a member of the County Council, to hold office for the remainder of the term of his predecessor.

Idem

(2) If the County Council fails to elect a warden within twenty days as required by subsection 1, the Lieutenant Governor in Council may appoint a person as warden to hold office for the remainder of the term of his predecessor.

Other
members

(3) When a vacancy occurs in the office of a member, other than the warden or the head of the council of an area municipality, the council of the area municipality of which he was a member shall by by-law within thirty days after the vacancy occurs appoint a successor, who may be a member of the council, to hold office for the remainder of the term of his predecessor.

Where head
of council in-
capacitated

(4) In the event that the head of a council of an area municipality is for any reason unable to fulfil his duties as a member of the County Council for a period exceeding one month, the council of the area municipality may by by-law appoint one of its members as an alternate representative to the County Council who shall act in the place and stead of the head of council during his incapacity but no such by-law shall have effect for a period longer than one month from its effective date

14. Members of the County Council, may be paid for services performed on and after the 1st day of January, 1975, such annual and other remuneration as the County Council may determine. Remuneration

15.—(1) The County Council may from time to time establish such standing or other committees and assign to them such duties as it considers expedient. Committees

(2) The County Council may by by-law provide for paying an annual allowance to each chairman of a standing committee except where such chairman is also the warden. Remuneration of committee chairmen

16. The County Council may pass by-laws for governing the proceedings of the County Council and any of its committees, the conduct of its members and the calling of meetings. Procedural by-laws

17.—(1) The warden is the head of the County Council and is the chief executive officer of the County. Head of County Council

(2) The County Council may by by-law appoint a chief administrative officer, who, Chief administrative officer

(a) shall have such general control and management of the administration of the government and affairs of the County and perform such duties as the County Council by by-law prescribes;

(b) shall be responsible for the efficient administration of all its departments to the extent that he is given authority and control over them by by-law;

(c) shall hold office during the pleasure of the County Council; and

(d) shall receive such salary as the County Council by by-law determines.

(3) Subsection 2 of section 238 of *The Municipal Act* applies to a chief administrative officer appointed under subsection 2 of this section. Application of R.S.O. 1970, c. 284

18. When the warden is absent from the County or absent through illness, or refuses to act, the County Council may by resolution appoint one of its members to act in his place and stead, and such member shall have and may exercise all the rights, powers and authority of the warden during such absence or refusal to act. Acting warden

Application of R.S.O. 1970, c. 284 **19.**—(1) Sections 192, 193, 195, 197, 198, 259, 281 to 286 and 390 of *The Municipal Act* apply *mutatis mutandis* to the County.

Idem (2) Sections 190, 200, 201 and 243 of *The Municipal Act* apply *mutatis mutandis* to the County Council and to every local board of the County.

Appointment of clerk **20.**—(1) The County Council shall appoint a clerk whose duty is,

- (a) to record truly without note or comment, all resolutions, decisions and other proceedings of the County Council;
- (b) if required by any member present, to record the name and vote of every member voting on any matter or question;
- (c) to keep in his office, or in the place appointed for that purpose, the originals of all by-laws and of all minutes of the proceedings of the County Council and its committees; and
- (d) to perform such other duties as may be assigned to him by the County Council.

Deputy clerk (2) The County Council may appoint a deputy clerk who shall have all the powers and duties of the clerk.

Acting clerk (3) When the office of clerk is vacant or the clerk is unable to carry on his duties through illness or otherwise, the County Council may appoint an acting clerk *pro tempore* who shall have all the powers and duties of the clerk.

Minutes open to inspection **21.**—(1) Any person may, at all reasonable hours, inspect any of the records, books or documents in the possession or under the control of the clerk, except interdepartmental correspondence and reports of officials of any department or of solicitors for the County made to the County Council or any of its committees, and the clerk within a reasonable time shall furnish copies of them or extracts therefrom certified under his hand and the seal of the County to any applicant on payment at the rate of 15 cents for every 100 words or at such lower rate as the County Council may fix.

Index of by-laws affecting land (2) The clerk shall keep an index book in which he shall enter the number and date of all by-laws passed by the County Council that affect land or the use thereof in the County but do not directly affect the title to land.

(3) A copy of any record, book or document in the possession or under the control of the clerk, purporting to be certified under his hand and the seal of the County, may be filed and used in any court in lieu of the original, and shall be received in evidence without proof of the seal or of the signature or official character of the person appearing to have signed the same, and without further proof, unless the court otherwise directs. Copies certified by clerk to be receivable in evidence

22.—(1) The County Council shall appoint a treasurer who shall keep the books, records and accounts, and prepare the annual financial statements of the County and preserve and file all accounts of the County and shall perform such other duties as may be assigned to him by the County Council. Appointment of treasurer

(2) The County Council may appoint a deputy treasurer who shall have all the powers and duties of the treasurer. Deputy treasurer

(3) When the office of treasurer is vacant or the treasurer is unable to carry on his duties, through illness or otherwise, the County Council may appoint an acting treasurer *pro tempore* who shall have all the powers and duties of the treasurer. Acting treasurer

23.—(1) The treasurer shall receive and safely keep all moneys of the County and shall pay out money to such persons and in such manner as the law in force in Ontario and the by-laws or resolutions of the County Council direct, provided that every cheque issued by the treasurer shall be signed by the treasurer and by some other person or persons designated for the purpose by by-law or resolution of the County Council, and any such other person before signing a cheque shall satisfy himself that the issue thereof is authorized. Receipt and disbursement of money

(2) Notwithstanding subsection 1, the County Council may by by-law, Signing of cheques

(a) designate one or more persons to sign cheques in lieu of the treasurer; and

(b) provide that the signature of the treasurer and of any other person authorized to sign cheques may be written or engraved, lithographed, printed or otherwise mechanically reproduced on cheques.

(3) The County Council may by by-law provide that the treasurer may establish and maintain a petty cash fund of an amount of money sufficient to make change and pay small accounts, subject to such terms and conditions as the by-law may provide. Petty cash fund

When
member may
be paid

1972, c. 142

Treasurer's
liability
limited

Bank
accounts

(4) Except where otherwise expressly provided by this Act, a member of the County Council shall not receive any money from the treasurer for any work or service performed or to be performed but nothing in this subsection prevents the payment of any moneys under any contract in respect of which the member has complied with *The Municipal Conflict of Interest Act, 1972*.

(5) The treasurer is not liable for money paid by him in accordance with a by-law or resolution of the County Council, unless another disposition of it is expressly provided for by statute.

24. Subject to subsection 3 of section 23, the treasurer shall,

- (a) open an account or accounts in the name of the County in such of the chartered banks of Canada or at such other place of deposit as may be approved by the County Council;
- (b) deposit all money received by him on account of the County, and no other money, to the credit of such account or accounts, and no other account; and
- (c) keep the money of the County entirely separate from his own money and from that of any other person,

and notwithstanding subsection 1 of section 23, the County Council shall not by by-law or resolution direct any variance from the provisions of this section, nor shall the treasurer vary from such provisions.

Monthly
statement

25.—(1) The treasurer shall prepare and submit to the County Council, monthly, a statement of the money at the credit of the County.

Notice to
sureties

(2) Where the treasurer is removed from office or absconds, the County Council shall forthwith give notice to his sureties.

Appointment
of auditors

26.—(1) The County Council shall by by-law appoint one or more auditors who shall be persons licensed by the Ministry as municipal auditors and who shall hold office during good behaviour and be removable for cause upon the vote of two-thirds of the members of the County Council, and the auditor or auditors so appointed shall audit the accounts and transactions of the County and of every local board of the County, except school boards.

(2) Where an auditor audits the accounts and transactions of a local board, the cost thereof shall be paid by the County and charged back to the local board, and, in the event of a dispute as to the amount of the cost, the Ministry may upon application finally determine the amount thereof. ^{Cost of audit}

(3) No person shall be appointed as an auditor of the County who is or during the preceding year was a member of the County Council or of the council of an area municipality or of any local board, the accounts and transactions of which it would as auditor be his duty to audit, or who has or during the preceding year had any direct or indirect interest in any contract with the County or an area municipality, or any such local board, or any employment with any of them other than as an auditor, but this provision shall not apply in the year 1975. ^{Disqualification of auditors}

(4) An auditor shall perform such duties as are prescribed by the Ministry and also such duties as may be required by the County Council or any local board of the County that do not conflict with the duties prescribed by the Ministry. ^{Duties of auditors}

27.—(1) Where the County or a local board thereof employs a person theretofore employed by a local municipality or a local board thereof within the County, the County or local board shall be deemed to have elected to participate in the Ontario Municipal Employees Retirement System on the day this Part comes into force in respect of the employee if such employee was or was entitled to be a member of the Ontario Municipal Employees Retirement System on the day immediately preceding his employment with the County or local board thereof and such employee shall have uninterrupted membership or entitlement to membership, as the case may be, in the Ontario Municipal Employees Retirement System and be deemed not to have resigned from his previous employment. ^{Pensions}

(2) Where the County or a local board thereof employs a person theretofore employed by a local municipality or a local board thereof within the County, the employee shall be deemed to remain an employee of the local municipality or local board thereof for the purposes of his entitlement under any approved pension plan or supplementary plan. ^{Idem}

(3) Where the County or a local board thereof employs a person theretofore employed by a local municipality or a local board thereof, within the County, the employee shall be ^{Sick leave credits}

deemed to remain an employee of the municipality or local board thereof until the County or local board thereof has established a sick leave credit plan for its employees, and the employees are entitled to receive such benefits from the County whereupon the County or local board thereof shall place to the credit of the employee the sick leave credits standing to his credit in the plan of the municipality or local board thereof.

Holidays

(4) Where the County or a local board thereof employs a person theretofore employed by a local municipality or a local board thereof within the County or local board thereof, the County or local board thereof shall during the first year of his employment by the County or local board thereof, provide for such employee's holidays with pay equivalent to those to which he would have been entitled if he had remained in the employment of the municipality or local board thereof.

Offer of
employment

(5) The County shall offer to employ every person who, on the 1st day of April, 1974, is employed in any undertaking of, or operated on behalf of, any local municipality or local board that is assumed by the County under this Act and who continues to be so employed until the 31st day of December, 1974.

Entitlement
to salary

(6) Any person who accepts employment offered under subsection 5 shall be entitled to receive a wage or salary up to and including the 31st day of December, 1975, of not less than he was receiving on the 1st day of April, 1974.

Application of
R.S.O. 1970,
c. 324

(7) The County shall be deemed to be a municipality for the purposes of *The Ontario Municipal Employees Retirement System Act*.

Placement of
staff

(8) The Minister may by order do all such things as may be necessary to facilitate the placement of staff in the structure of both the County and area municipalities including providing for the protection of pension benefits, sick leave credits and holiday entitlements.

Pension
rights and
sick leave
credits

(9) Where under the provisions of this section any employee in the opinion of the Minister experiences any difficulty or hardship with regard to the transfer of any pension rights or sick leave credits, the Minister may by order do anything necessary to remedy or alleviate such difficulty or hardship.

Termination
of
employment

(10) Nothing in this section prevents any employer from terminating the employment of an employee for cause.

PART III

COUNTY ROAD SYSTEM

28. In this Part,

- (a) "approved" means approved by the Minister or of a type approved by the Minister;
- (b) "construction" includes reconstruction;
- (c) "maintenance" includes repairs;
- (d) "Minister" means the Minister of Transportation and Communications;
- (e) "Ministry" means the Ministry of Transportation and Communications;
- (f) "road authority" means a body having jurisdiction and control of a highway.

29.—(1) On and after the 1st day of January, 1975, all roads on the 31st day of December, 1974, under the jurisdiction and control of the County shall continue to form part of the county road system, together with those roads which on the 31st day of December, 1974 are under the jurisdiction and control of the Woodstock Suburban Roads Commission and the Ingersoll Suburban Roads Commission.

(2) The County Council may by by-law from time to time add roads to or remove roads from the county road system, including such boundary line roads or portions thereof between the County and an adjoining county or regional municipality as may be agreed upon between the County Council and the council of such adjoining municipality.

(3) The Lieutenant Governor in Council may transfer any highway under the jurisdiction and control of the Ministry within the County to the County and the highway shall for all purposes be deemed to be part of the county road system on such date as is designated by the Lieutenant Governor in Council and to have been transferred under section 26 of *The Public Transportation and Highway Improvement Act*.

County road system
Adding or removing roads by by-law
Transfer of provincial highway to County

R.S.O. 1970. c. 201

(4) Where a road or part thereof forms part of the county road system, jurisdiction and control and the soil and freehold thereof are vested in the County.

Vesting of roads in County

(5) The Lieutenant Governor in Council may remove any road from the county road system.

Removal of roads from county roads system

Roads
removed from
system

(6) Where a road or a part thereof is removed from the county road system, except by reason of it being stopped-up pursuant to subsection 1 of section 39, such road or part is thereupon transferred to and the jurisdiction and control and the soil and freehold thereof is thereupon vested in the area municipality in which it is situate, and the area municipality may sue upon any rights or under any agreements or by-laws in the same manner and to the same extent as the County in respect of such road.

Status of land
acquired for
for widening
county road

(7) Notwithstanding subsection 10, where the County acquires land for the purpose of widening a county road, the land so acquired, to the extent of the designated widening, forms part of the road and is included in the county road system.

Idem

(8) When land abutting on a county road is dedicated for, or apparently for, widening the county road, the land so dedicated is part of the county road and the jurisdiction and control and the soil and freehold thereof is vested in the County subject to any rights in the soil reserved by the person who dedicated the land.

Consolidating
by-laws

(9) The County Council shall, on or before the 1st day of May, 1979, pass a by-law consolidating all by-laws relating to the county road system, and shall at intervals of not more than five years thereafter pass similar consolidating by-laws.

Approval
of by-laws

(10) Every by-law passed under this section shall be submitted to the Minister for approval by the Lieutenant Governor in Council and the Lieutenant Governor in Council may approve the by-law in whole or in part and, where the by-law is approved in part only, it shall be in force and take effect only so far as approved, but it shall not be necessary for the County Council to pass any further by-law amending the original by-law or repealing any part thereof that has not been approved, and every such by-law as approved is in force and effect after the day named by the Lieutenant Governor in Council.

R.S.O. 1970,
c. 410 not to
apply

(11) *The Regulations Act* does not apply to an order in council made under this section.

Plans of
construction
and
maintenance

30. The County Council shall adopt a plan of road construction and maintenance, and from time to time thereafter shall adopt such other plans as may be necessary.

Furnishing
of information
to Minister

31. Where the County proposes the construction, improvement or alteration of a county road, it shall furnish the Minister with such detailed information as he may require.

32. Where a contribution has been made from any source whatsoever towards an expenditure made under the provisions of section 84d of *The Public Transportation and Highway Improvement Act*, the amount of such contribution shall be deducted from the expenditure in the statement submitted to the Minister unless the Minister otherwise directs.

Contribution towards expenditures
R.S.O. 1970, c. 201

33. The roads included in the county road system shall be maintained and kept in repair by the County.

Maintenance and repair

34. The County has, in respect of the roads included in the county road system, all the rights, powers, benefits, and advantages conferred, and is subject to all liabilities imposed, either by statute, by-law, contract or otherwise upon the Woodstock Suburban Roads Commission and the Ingersoll Suburban Roads Commission and the County may sue upon such rights or under such contracts or by-laws in the same manner and to the same extent as the Woodstock Suburban Roads Commission or the Ingersoll Suburban Roads Commission, as the case may be, might have done if the roads had not become part of the county road system.

Power over roads assumed

35.—(1) The County is not by reason of a road forming part of the county road system under this Act liable for the construction or maintenance of sidewalks on any road or portion thereof in the county road system, but the area municipality in which such sidewalks are located continues to be liable for the maintenance of such sidewalks and is responsible for any injury or damage arising from the construction or presence of the sidewalks on such road or portion thereof to the same extent and subject to the same limitations to which an area municipality is liable under section 427 of *The Municipal Act* in respect of a sidewalk on a road over which a council has jurisdiction.

Sidewalks excepted

R.S.O. 1970, c. 284

(2) An area municipality may construct a sidewalk or other improvement or service on a county road, and the County may contribute to the cost of such sidewalk, improvement or service, but no such work shall be undertaken by an area municipality without first obtaining the approval of the County Council expressed by resolution.

Area municipalities may construct sidewalks, etc.

(3) The cost of any such sidewalk, improvement or service constructed on a county road may be met out of the general funds of the area municipality or the work may be undertaken in whole or in part as a local improvement under *The Local Improvement Act*.

How cost provided

R.S.O. 1970, c. 255

(4) An area municipality when constructing such a sidewalk, improvement or service on a county road shall conform to any requirements or conditions imposed by the County

Area municipality to conform to requirements and be responsible for damage

Council and is responsible for any injury or damage arising from the construction or presence of the sidewalk, improvement or service on the road.

Installation of
traffic control
devices

36.—(1) The County may construct, install, maintain or remove any works on a highway, other than a road under the jurisdiction and control of the Ministry, including traffic control devices, for the purpose of altering or regulating the flow of traffic upon entering or leaving a road in the county road system.

Relocation of
intersecting
roads

(2) The County may relocate, alter or divert any public road, other than a road under the jurisdiction and control of the Ministry, entering or touching upon or giving access to a road in the county road system.

Idem

(3) Where, in relocating, altering or diverting a public road under subsection 2, the County constructs a new road in lieu of the public road, the County may close the public road at the point of intersection with the county road and may, by by-law vest the new road and the soil and freehold and jurisdiction and control thereof in the area municipality in which it is situate.

Construction
of sidewalk,
etc., on area
municipality
road

(4) Where the County constructs a sidewalk, improvement or service on a road under the jurisdiction and control of an area municipality, the area municipality may contribute to the cost of such sidewalk, improvement or service and the work may be undertaken in whole or in part under *The Local Improvement Act*.

R.S.O. 1970,
c. 255

Intersection
of other
roads by
county road

37. Where a county road intersects a road that is under the jurisdiction and control of an area municipality, the continuation of the county road to its full width across the road so intersected is a part of the county road system.

New roads

38. The County Council may pass by-laws for establishing and laying out new roads and for amending the by-law passed under section 29 by adding such new roads to the county road system, and the provisions of *The Municipal Act* with respect to the establishment and laying out of highways by municipalities apply *mutatis mutandis*.

R.S.O. 1970,
c. 284

Powers and
liabilities
of County

39.—(1) With respect to the roads in the county road system and the regulation of traffic thereon, the County has all the powers conferred, and is subject to all the liabilities imposed, upon the council or corporation of a city by *The Municipal Act*, *The Highway Traffic Act* and any other Act with respect to highways.

R.S.O. 1970,
cc. 284, 202

Establishment
of bus lanes

(2) The County Council or the council of any area municipality may by by-law designate any lane on any road over which it has jurisdiction as a lane solely or principally for use by public transit motor vehicles and prohibit or regulate the use thereof by vehicles other than public transit vehicles

to such extent and for such period or periods as may be specified, and for the purpose of this subsection, "public transit motor vehicle" means a motor vehicle owned and operated by, for or on behalf of the County or any area municipality as part of its passenger transportation service.

40.—(1) The County Council may by by-law prohibit or regulate the placing or erecting of, Erection of gasoline pump and advertising device near county road

(a) any gasoline pump within 150 feet of any limit of a county road;

(b) any sign, notice or advertising device within one-quarter mile of any limit of a county road.

(2) A by-law passed under this section may provide for Permits the issuing of permits for the placing or erecting of any gasoline pump, sign, notice or advertising device and may prescribe the form, terms and conditions thereof and the fees to be paid therefor.

41.—(1) No by-law passed by an area municipality for the regulation of traffic on a highway under the jurisdiction and control of the area municipality, except a by-law for the regulation of parking, shall come into force until it has been approved by the County Council before it is submitted for approval under *The Highway Traffic Act*. By-laws of area municipalities regulating traffic
R.S.O. 1970, c. 202

(2) All signal-light traffic control devices heretofore or hereafter erected on a highway under the jurisdiction and control of an area municipality shall be operated, or erected and operated, in the manner prescribed by by-law of the County Council, and the County Council may delegate any of its powers in respect of the operation of such devices to an officer of the County designated in the by-law. Signal-light devices

(3) The County may contribute toward the cost of the erection of signal-light traffic control devices erected by an area municipality. Contribution toward cost of signal-light

(4) Subject to *The Highway Traffic Act*, the County Council may pass by-laws to regulate traffic on any highway under the jurisdiction and control of an area municipality for a distance of 100 feet on either side of the limit of a county road and where there is any conflict between such a by-law and a by-law of an area municipality, the by-law passed under this subsection prevails to the extent of such conflict. Traffic control within 100 feet of county roads
R.S.O. 1970, c. 202

42. The County Council may by by-law authorize agreements between the County and the owners or lessees of land abutting on a highway for the construction, maintenance Agreements for pedestrian walks

and use of walks for pedestrians over, across or under the highways upon such terms and conditions as may be agreed and for contributing to the whole or any part of the cost thereof, and for leasing or licensing the use of untravelled portions of such walks and adjoining lands to persons for such considerations and upon such terms and conditions as may be agreed.

Disputes as to
maintenance,
etc., of
bridges and
highways
R.S.O. 1970,
c. 284

43.—(1) Sections 436 and 438 of *The Municipal Act* do not apply to a bridge or highway crossing or forming a boundary between the County and an adjoining municipality where such bridge or highway is included in the county road system and in the road system of the municipality.

Idem

(2) Where there is a difference between the County Council and the council of a municipality in respect of any such bridge or highway as to the corporation upon which the obligation rests for the constructing or maintaining of the bridge or highway, or as to the proportions in which the corporations should respectively contribute thereto, or where the County Council and the council of the municipality are unable to agree as to any action, matter or thing to be taken or done in respect of such bridge or highway, every such difference shall be determined by the Municipal Board upon an application by the County or the corporation of the municipality.

Hearing
by O.M.B.

(3) The Municipal Board shall appoint a day for the hearing of the application, of which ten days notice in writing shall be given to the clerk of each municipality and of the County, and shall, at the time and place appointed, hear and determine all matters in difference between the municipalities, in regard to such bridge or highway, and the Municipal Board may make such order with respect to the same as it may consider just and proper, and may by the order fix and determine the amount or proportion that each municipality shall pay or contribute toward the building and maintaining of such bridge or highway.

Term of
order

(4) An order made by the Municipal Board under this section is binding upon the municipalities for such period as the Municipal Board may determine, and is final and conclusive.

Boundary
bridges
between area
municipalities
R.S.O. 1970,
c. 284

44. Clause *b* of subsection 1 of section 403 of *The Municipal Act* does not apply to a bridge over a river, stream, pond or lake forming or crossing a boundary line between area municipalities, and the councils of the area municipalities on either side of such boundary line have joint jurisdiction over every such bridge that is not included in the county road system.

45. Section 418 of *The Municipal Act* does not apply to a bridge over a river, stream, pond or lake forming or crossing a boundary line between the County and an adjoining municipality, and the councils of the area municipality and the adjoining local municipality on either side of such boundary line have joint jurisdiction over every such bridge that is not included in the county road system.

Boundary
bridges
between
County and
adjoining
municipalities
R.S.O. 1970,
c. 284

46.—(1) The County Council has, with respect to all land lying within a distance of 150 feet from any limit of a county road, all the powers conferred on the council of a local municipality by section 35 of *The Planning Act*.

Restrictions

R.S.O. 1970,
c. 349

(2) In the event of conflict between a by-law passed under subsection 1 by the County Council and a by-law passed under section 35 of *The Planning Act* or a predecessor of such section by the council of a local municipality that is in force in the area municipality in which the land is situate, the by-law passed by the County Council prevails to the extent of such conflict.

Conflict with
local by-laws

47.—(1) The County Council may by by-law designate any road in the county road system, or any portion thereof, as a controlled-access road.

Controlled-
access roads

(2) Subject to the approval of the Municipal Board, the County Council may by by-law close any municipal road that intersects or runs into a county controlled-access road.

Closing
municipal
roads

(3) The Municipal Board may direct that notice of any application for approval of the closing of a road under this section shall be given at such time, in such manner and to such persons as the Municipal Board may determine, and may further direct that particulars of objections to the closing shall be filed with the Municipal Board and the County within such time as the Municipal Board shall direct.

Notice of
application
for approval
for closing
road

(4) Upon the hearing of the application for approval of the closing of a road, the Municipal Board may make such order as it considers proper refusing its approval or granting its approval upon such terms and conditions as it considers proper, and any order of the Municipal Board approving of the closing of a road may contain provisions,

Order of
O.M.B.

- (a) determining the portion or portions of the road that shall be closed;
- (b) providing for the payment of the costs of any person appearing on such application and fixing the amount of such costs; and

- (c) providing for the doing of such other acts as in the circumstances it considers proper.

- Closing road** (5) Upon the approval of the Municipal Board being so obtained but subject to the provisions of the order of the Municipal Board made on the application for such approval the County may do all such acts as may be necessary to close the road in respect of which the application is made.
- Appeal** (6) The County, or any person including an area municipality, that has filed particulars of an objection may, with the leave of the Divisional Court, appeal to that court from any order made under subsection 4.
- Time for appeal** (7) Application for leave to appeal shall be made within thirty days after the date of the determination or order of the Municipal Board subject to the rules of the court as to vacations.
- Leave to appeal** (8) The leave may be granted on such terms as to the giving of security for costs and otherwise as the court may consider just.
- Practice and procedure on appeal** (9) The practice and procedure as to the appeal and matters incidental thereto shall be the same, *mutatis mutandis*, as upon an appeal from a county court, and the decision of the Divisional Court is final.
- R.S.O. 1970, c. 323, s. 95 not to apply** (10) Section 95 of *The Ontario Municipal Board Act* does not apply to an appeal under this section.
- Private roads, etc., opening upon county controlled-access road** **48.** The County Council may pass by-laws prohibiting or regulating the construction or use of any private road, entranceway, structure or facility as a means of access to a county controlled-access road.
- Notice** **49.—(1)** The County may give notice to the owner of any land requiring him to close up any private road, entranceway, structure or facility constructed or used as a means of access to a county controlled-access road in contravention of a by-law passed under section 48.
- Service of notice** (2) Every notice given under subsection 1 shall be in writing and shall be served personally or by registered mail, and in the case of service by registered mail shall be deemed to have been received on the fifth day following the mailing thereof.
- Failure to comply with notice** (3) Where the person to whom notice is given under subsection 1 fails to comply with the notice within thirty days after its receipt, the County Council may by resolution direct

any officer, employee or agent of the County to enter upon the land of such person and do or cause to be done whatever may be necessary to close up the private road, entranceway, structure or facility as required by the notice.

(4) Every person who fails to comply with a notice given under subsection 1 is guilty of an offence and on summary conviction is liable to a fine of not less than \$10 and not more than \$100 for a first offence and to a fine of not less than \$50 and not more than \$500 for a second or subsequent offence. Offence

(5) Where a notice given under subsection 1 has been complied with, no compensation is payable to the owner of the land unless the private road, entranceway, structure or facility constructed or used as a means of access to a controlled-access road designated under subsection 1 of section 47 was constructed or used, as the case may be, Compensation

- (a) before the day on which the by-law designating the road as a controlled-access road became effective; or
- (b) in compliance with a by-law passed under section 48, in which case the making of compensation is subject to any provisions of such by-law.

50.—(1) Subject to subsection 2, no area municipality shall have any right to compensation or damages for any road forming part of the county road system. County liability where road forms part of system

(2) Where a road forms part of the county road system, the County shall thereafter pay to the area municipality before the due date all amounts of principal and interest becoming due upon any outstanding debt of the area municipality in respect of such road, but nothing in this subsection requires the County to pay that portion of the amounts of principal and interest that under *The Local Improvement Act* is payable as the owners' share of a local improvement work. Idem
R.S.O. 1970, c. 255

(3) Where the County fails to make any payment required by subsection 2, the area municipality may charge the County interest at the rate of 12 per cent per annum thereon, or such lower rate as the council of the area municipality determines, from such date until payment is made. Default

(4) In the event of any doubt as to whether any outstanding debt or portion thereof is a debt in respect of the road forming part of the county road system, the Municipal Board, upon application, may determine the matter and its decision is final. Settling of doubts

Stopping-up highways **51.**—(1) Where an area municipality intends to stop up a highway or part of a highway, it shall so notify the County by registered mail.

Agreement (2) If the County objects to such stopping up, it shall notify the council of the area municipality by registered mail within sixty days of the receipt of the notice required under subsection 1 and the highway or part thereof shall not be stopped-up except by agreement between the area municipality and the County Council and failing agreement the Municipal Board, upon application, may determine the matter and its decision is final.

Appointment of roads commissioner **52.** The County Council shall by by-law appoint a person, who is a professional engineer registered as a civil engineer under *The Professional Engineers Act*, to administer and manage the county road system.

Application of R.S.O. 1970, c. 201 **53.** Sections 92, 94, 96, 99 and 102 of *The Public Transportation and Highway Improvement Act* apply *mutatis mutandis* with respect to any road in the county road system.

PART IV

PLANNING

Planning area **54.**—(1) On and after the 1st day of January, 1975, the County shall be a municipality and a planning area for the purposes of *The Planning Act* and shall be known as the Oxford Planning Area.

Designated municipality **(2)** The County Council shall be the Planning Board of the Oxford Planning Area and may be or may constitute or appoint a land division committee for the purpose of granting consents referred to in section 29 of *The Planning Act*.

Advisory committees (3) The County Council may appoint such advisory and planning committees as it deems necessary.

Planning areas and subsidiary planning areas dissolved **55.**—(1) All planning areas and subsidiary planning areas that are included in the Oxford Planning Area together with the boards thereof including the Oxford County Planning Board are hereby dissolved on the 1st day of January, 1975, and no area municipality shall, except as provided in subsections 2, 4 and 5, exercise any powers under *The Planning Act*.

Committees of adjustment (2) The land division committee constituted for the County of Oxford and all committees of adjustment heretofore constituted by the council of a municipality in the Oxford Planning Area are hereby dissolved on the 1st day of January, 1975, and the council of each area municipality

is deemed to be a committee of adjustment under section 41 of *The Planning Act*, but notwithstanding the provisions of such Act no such council shall have any authority to grant consents referred to in section 29 of such Act. R.S.O. 1970, c. 349

(3) Any application pending before a committee dissolved under subsection 2 and that is not finally disposed of on or before the 31st day of December, 1974, shall continue before and the disposition thereof be completed by the County Council, the land division committee appointed under subsection 2 of section 54, or by the council of an area municipality, according to the nature of the application that is so pending. Completion of disposition of pending applications for consents, etc.

(4) The council of an area municipality may exercise the powers provided in sections 35, 36 and 38 of *The Planning Act*, but in the event that there is a conflict between a by-law passed by the County Council and a by-law passed by the council of an area municipality in the exercise of such powers the by-law passed by the County Council shall prevail. Powers under R.S.O. 1970, c. 349

(5) The County Council may delegate to the council of an area municipality any of its powers in respect of subdivision agreements. Delegation of powers re subdivision agreements

56. The County Council, before the 31st day of December, 1978, shall prepare, adopt and forward to the Minister of Housing for approval an official plan for the County, and all existing official plans in the Oxford Planning Area shall be deemed to be official plans of the County. Official plan

PART V

HEALTH AND WELFARE SERVICES

57.—(1) The County shall be deemed to be a city for all the purposes of the provisions of *The Public Hospitals Act* and *The Private Hospitals Act* respecting hospitalization and burial of indigent persons and their dependants and no area municipality has any liability under such provisions. Liability for hospitalization of indigents R.S.O. 1970, cc. 378, 361

(2) The County is liable for the hospitalization and burial, after the 31st day of December, 1974, of an indigent person or his dependant who was in hospital on the 31st day of December, 1974, and in respect of whom any local municipality within the County was liable because the indigent person was a resident of such local municipality. Existing liabilities transferred

(3) Nothing in subsection 2 relieves any such local municipality from any liability in respect of hospitalization or burials before the 1st day of January, 1975. Proviso

Aid to
hospitals

58.—(1) The County may pass by-laws for granting aid for the construction, erection, establishment, acquisition, maintenance, equipping and carrying on the business of public hospitals including municipal hospitals and other health care facilities in the County and may issue debentures therefor, and no area municipality shall exercise any such powers in respect of public hospitals including municipal hospitals.

Payment of
principal and
interest to
area
municipalities

(2) The County shall pay to any area municipality, on or before the due date, all amounts of principal and interest becoming due upon any outstanding indebtedness of the area municipality in respect of aid granted by a local municipality for the purposes mentioned in subsection 1, prior to the 1st day of January, 1975, and if the County fails to pay such amounts before the due date, the area municipality may charge the County interest at the rate of 12 per cent per annum thereon, or such lower rate as the council of the area municipality determines, from such date until payment is made.

Hospital costs
form part of
county levy

(3) Notwithstanding the provisions of any general or special Act, payments made under this section shall form part of the levy under section 81.

Health unit
continued

59.—(1) The health unit serving the County on the 31st day of December, 1974 is continued under the name of the Oxford County Board of Health on and after the 1st day of January, 1975.

Boundaries
fixed

(2) Notwithstanding the provisions of any other Act, the boundaries of the health unit of the County shall not be altered except by order of the Minister of Health.

Constitution of
health board

60.—(1) On and after the 1st day of January, 1975, the Oxford County Board of Health shall be composed of,

- (a) not more than seven members of the County Council appointed by the County Council; and
- (b) not more than three persons appointed by the Lieutenant Governor in Council upon the recommendation of the Minister of Health.

Remuneration
of members

(2) The members of the Oxford County Board of Health appointed by the County Council shall not be paid any remuneration as members of such board, except expenses incurred in carrying out their duties.

Expenses of
board

(3) Notwithstanding the provisions of any other Act, the expenses incurred by the Oxford County Board of Health in establishing and maintaining the health unit and performing its functions under *The Public Health Act* or any other Act shall be accounted for, borne and paid by the County.

R.S.O. 1970,
c. 377

61.—(1) For the purposes of the following Acts, the County shall be deemed to be a city and no area municipality shall be deemed to be a municipality:

- | | |
|---|------------------------|
| 1. <i>The Anatomy Act.</i> | R.S.O. 1970,
c. 21 |
| 2. <i>The Mental Hospitals Act.</i> | R.S.O. 1970,
c. 270 |
| 3. <i>The Sanatoria for Consumptives Act.</i> | R.S.O. 1970,
c. 422 |
| 4. <i>The War Veterans Burial Act.</i> | R.S.O. 1970,
c. 490 |

(2) For the purposes of the following Acts, no area municipality shall be deemed to be a municipality and the County shall have sole responsibility as a county for all matters provided for in such Acts.

- | | |
|---|------------------------|
| 1. <i>The Day Nurseries Act.</i> | R.S.O. 1970,
c. 104 |
| 2. <i>The General Welfare Assistance Act.</i> | R.S.O. 1970,
c. 192 |
| 3. <i>The Homemakers and Nurses Services Act.</i> | R.S.O. 1970,
c. 203 |

62.—(1) No area municipality has any authority to establish, erect and maintain a home for the aged under *The Homes for the Aged and Rest Homes Act.*

Liability for
homes for aged
R.S.O. 1970,
c. 206

(2) The home for the aged known as Woodingford Lodge and all the assets and liabilities thereof vest solely in the County on and after the 1st day of January, 1975.

Assets and
liabilities vest
in county

(3) The costs of operating and maintaining Woodingford Lodge shall form part of the levy under section 81.

Levy

63.—(1) The County shall pay to the committee or board of management of any home for the aged located outside the County the cost of maintenance in such home, incurred after the 31st day of December, 1974, of every resident of such home who was admitted thereto due to residence in any area that becomes part of an area municipality.

Residents of
other homes
for aged

(2) The amount payable by the County under subsection 1 shall be such as may be agreed upon or, failing agreement, as may be determined by the Municipal Board.

Amount of
maintenance
payment

64. No area municipality shall be deemed to be a municipality for the purposes of *The Child Welfare Act*, and the County shall be deemed to be a city for the purposes of such Act.

County
deemed
municipality
under
R.S.O. 1970,
c. 64

65. The County is liable for the amounts payable on or after the 1st day of January, 1975, by any area municipality under section 88 of *The Child Welfare Act, 1965* and is entitled to recover the amounts payable to any area municipality on or after that date under that section.

Existing
liabilities
transferred
1965, c. 14

Liability under
order made
under
R.S.C. 1970,
c. J-3

66. Where an order is made under subsection 2 of section 20 of the *Juvenile Delinquents Act* (Canada) upon an area municipality, such order shall be considered to be an order upon the County, and the sums of money required to be paid under such order shall be paid by the County and not by the area municipality.

Information

67. Every area municipality and every officer or employee thereof shall, at the request of the officers of the County who are responsible for the administration of the Acts referred to in this Part, furnish forthwith to such officers any information they may require for the purposes of this Act.

Adjustments

68. In the event that there is any doubt as to whether the County is liable under this Part in respect of the liabilities imposed herein, the matter may be settled by agreement between the municipalities concerned or, failing agreement, may be determined by the Municipal Board.

Grants, etc.,
to approved
corporations
under
R.S.O. 1970,
c. 204

69. The County may grant aid to approved corporations established under *The Homes for Retarded Persons Act*, and may enter into agreements with any of such corporations with respect to the construction, operation and maintenance of homes for retarded persons.

PART VI

POLICE

Police
jurisdiction

70. On and after the 1st day of January, 1975, each police force within the County shall continue to have jurisdiction in the area in which each police force had jurisdiction on the 31st day of December, 1974.

Boards of
commis-
sioners
of police

71. All existing boards of commissioners of police and police committees are dissolved on the 31st day of December, 1974, and new boards of commissioners of police or police committees shall be established in the manner provided for in *The Police Act* in those area municipalities in which a local police force has jurisdiction.

R.S.O. 1970,
c. 351

Area rating

72. In any area municipality in which a police force has jurisdiction and such police force does not provide police service to the entire area municipality, the council of such area municipality shall be entitled to establish a police area to which the costs of policing shall be charged.

Policing
services
reviewed

73. Notwithstanding the provisions of sections 70, 71 and 72, the County Council may make application to the Minister for a review of the policing services being provided in the County.

74. At the request of the County Council the Minister ^{Authority of Minister} may, notwithstanding the provisions of sections 70, 71, 72 and 73, establish a police force for the whole or part of the County in such manner as he determines.

75. The powers of the Minister under section 74 shall be ^{Idem} exercised by order and in such event the provisions of sections 70, 71 and 72 shall cease to apply.

PART VII

COUNTY WATERWORKS SYSTEM

76.—(1) On and after the 1st day of January, 1975, the ^{County to be sole distributor of water} County shall have the sole responsibility for the supply and distribution of water and the financing thereof in the County and all the provisions of any general Act relating to the supply and distribution of water and the financing thereof, by a municipal corporation or a local board thereof and all of the provisions of any special Act relating to the supply and distribution of water and the financing thereof by an area municipality or a local board thereof, including *The Local Improvement Act*, ^{R.S.O. 1970, c. 255} apply *mutatis mutandis* to the County, except the power to establish a public utilities commission.

(2) On and after the 1st day of January, 1975, no area ^{No area municipality to distribute water} municipality shall have or exercise any powers under any Act for the supply and distribution of water, including the financing thereof, except as provided in subsection 7.

(3) All waterworks, supply systems, meters, mechanical ^{Vesting of water supply facilities} equipment and all real and personal property of any nature whatsoever used solely or primarily for the purposes of the supply and distribution of water and all other assets, liabilities and surpluses or deficits, including reserves, of the local municipalities relating to any facility for the supply and distribution of water in the County or for any area municipality are vested in the County effective the 1st day of January, 1975, and no compensation or damages shall be payable to any area municipality in respect thereof.

(4) The County shall pay to the corporation of any area ^{County liability} municipality before the due date all amounts of principal and interest becoming due upon any outstanding debt of such area municipality in respect of the property assumed by the County under the provisions of subsection 3, but nothing in this subsection requires the County to pay that portion of the amounts of principal and interest that under *The Local Improvement Act* ^{R.S.O. 1970, c. 255} is payable as the owner's share of a local improvement.

Default

(5) If the County fails to make any payment as required by subsection 4, the area municipality may charge the County interest at the rate of 12 per cent per annum thereon, or such lower rate as the Council of the area municipality determines, from such date until payment is made.

Water supply agreements

(6) With respect to any agreements entered into or matters commenced by any municipality or local board thereof in the County respecting the supply and distribution of water and the financing thereof, the County shall, on the 1st day of January, 1975, stand in the place and stead of such municipality or local board for all purposes of any such agreement or matter.

Idem

(7) The County is entitled to enter into agreements with any person, area municipality or local board thereof with respect to any of the matters provided for in this Part, and in such event the person, area municipality or local board thereof has authority to enter into such agreements.

PART VIII

COUNTY SEWAGE WORKS

County responsible for sanitary sewage

77.—(1) On and after the 1st day of January, 1975, the County shall have the sole responsibility for the collection and disposal of all sewage including the financing thereof, except as provided for in subsection 7, in the County and all of the provisions of any general Act relating to the collection and disposal of such sewage and the financing thereof by a municipal corporation or a local board thereof and all of the provisions of any special Act relating to the collection and disposal of such sewage and the financing thereof, by an area municipality or a local board thereof including *The Local Improvement Act* apply *mutatis mutandis* to the County, except the power to establish a public utilities commission.

R.S.O. 1970, c. 255

No area municipality to collect sanitary sewage

(2) On and after the 1st day of January, 1975, no area municipality shall have or exercise any powers under any Act for the collection and disposal of sewage and financing thereof, except as provided in subsections 7 and 9.

Vesting of sanitary sewage facilities

(3) All sewage works, sewer systems and treatment works, including buildings, structures, plant, machinery, equipment, devices, intakes and outfalls or outlets, or other works designed for the interception, collection, settling, treating, dispersing, disposing or discharging of sewage, except as provided in subsection 7, and all real and personal property of any nature whatsoever used solely or primarily for the purpose of the collection and disposal of such sewage in the County by any area municipality is vested in the County

on the 1st day of January, 1975, and no compensation or damages shall be payable to any area municipality in respect thereof.

(4) The County shall pay to the corporation of any area municipality before the due date all amounts of principal and interest becoming due upon any outstanding debt of such area municipality in respect of the property assumed by the County under the provisions of subsection 3, but nothing in this subsection requires the County to pay that portion of the amounts of principal and interest that under *The Local Improvement Act* is payable as the owner's share of the local improvement work. ^{County liability} ^{R.S.O. 1970, c. 255}

(5) If the County fails to make any payment as required by subsection 4, the area municipality may charge the County interest at the rate of 12 per cent per annum thereon, or such lower rate as the council of the area municipality determines from such date until payment is made. ^{Default}

(6) With respect to any agreements entered into or matters commenced by any municipality or local board thereof in the County respecting the interception, collecting, settling, treating, dispersing, disposing or discharging of sewage, including the financing thereof, except as provided for in subsection 7, the County Council shall stand in the place and stead of such municipality or local board for all purposes of any such agreement or matter. ^{Agreements}

(7) The County shall be responsible for undertaking the land drainage system including storm sewers with respect to regional roads and any surrounding lands which naturally drain into such land drainage system and may undertake a land drainage program including storm sewers in any part of the County as the County Council deems necessary and the area municipalities shall be responsible for all other land drainage systems, including storm sewers, within their respective boundaries. ^{Land drainage}

(8) Where the County undertakes a program provided for in subsection 7, the County may assume all or any portion of the land drainage system, including storm sewers, of an area municipality, without compensation, and the provisions of subsections 4 and 5 shall apply thereto, *mutatis mutandis*. ^{Assumption of area municipal land drainage systems}

(9) The County is entitled to enter into agreements with any person, area municipality or local board thereof with respect to any of the matters provided for in this Part, and in such event the person, area municipality or local board thereof has authority to enter into such agreements. ^{Idem}

PART IX

FINANCES

Interpre-
tation
R.S.O. 1970,
c. 32

78. In this Part, "rateable property" includes business and other assessment made under *The Assessment Act*.

Area muni-
cipality
deemed
municipality
under
R.S.O. 1970,
c. 405

79.—(1) Every area municipality shall be deemed to be an area municipality for all purposes of *The Regional Municipal Grants Act* and every merged area shall be deemed to be a merged area for the purposes of section 9 of that Act.

County
deemed
regional
municipality

(2) The County shall be deemed to be a regional municipality for the purposes of *The Regional Municipal Grants Act*, except that,

(a) for the purposes of any payment under that Act in the year 1975 to the County, the population of each area municipality shall be determined in such manner as the Ministry considers proper;

(b) for the purposes of this Act, "net regional levy" in *The Regional Municipal Grants Act*, means the amount required for county purposes, including the sums required by law to be provided for any board, commission or other body, but excluding school purposes, apportioned to each area municipality by section 81 of this Act, reduced by the amount credited to each area municipality under section 3 of *The Regional Municipal Grants Act*.

Application of
R.S.O. 1970,
c. 284, s. 312

(3) Section 312 of *The Municipal Act* applies *mutatis mutandis* to the county.

YEARLY ESTIMATES AND LEVIES

Yearly
estimates

80.—(1) The County Council shall in each year prepare and adopt estimates of all sums required during the year for the purposes of the County, including the sums required by law to be provided by the County for any local board of the County, and such estimates shall set forth the estimated revenues and expenditures in such detail and according to such form as the Ministry may from time to time prescribe.

Allowance
to be made
in estimates

(2) In preparing the estimates, the County Council shall make due allowance for a surplus of any previous year that will be available during the current year and shall provide for any operating deficit of any previous year and for such reserves within such limits as to type and as the Ministry may approve.

(3) The surplus or operating deficit for which the County Council shall make due allowance in preparing the estimates for the year 1975 shall be the audited surplus or operating deficit of the County on the 31st day of December, 1974, and shall include any surplus contribution made under subsection 5.

Surplus or
operating
deficit
of County
Council in
1974

(4) The amount by which any operating deficit existing for the County on the 31st day of December, 1974 exceeds the total of such County's reserves on such date shall become a charge on the municipalities that levied rates for such County in the same proportion as the last apportionment made for County purposes, and shall be paid in such proportions to the County by the appropriate area municipalities not later than the 30th day of June, 1975.

Operating
deficit.
County of
Oxford

(5) Where an operating surplus exists for the County on the 31st day of December, 1974, or where an operating deficit exists on such date that does not exceed the total of such County's reserves on such date, a sum shall be determined equivalent to,

Surplus
contribution,
City of
Woodstock,
Town of
Ingersoll

(a) the audited surplus of the County together with the total of the County's reserves on such date; or

(b) the total of the County's reserves less the audited deficit of the County on such date,

and such sum shall be apportioned between the City of Woodstock and the Town of Ingersoll in the proportion that the weighted equalized assessment for each municipality respectively, as ascertained under section 81 for the purpose of apportioning the County levy for 1975, bears to the total weighted, equalized assessment so ascertained for the two municipalities, and the amount apportioned to each municipality shall be paid by the municipality to the County not later than the 1st day of January, 1980.

(6) Section 43 of *The Assessment Act* and section 606 of *The Municipal Act* apply *mutatis mutandis* to the County.

Application of
R.S.O. 1970,
cc. 32, 284

81.—(1) The County Council in each year shall, subject to sections 76 and 77, levy against the area municipalities a sum sufficient,

Levy on
area
municipalities

(a) for payment of the estimated current annual expenditures as adopted; and

(b) for payment of all debts of the County falling due within the year as well as amounts required to be

raised for sinking funds and principal and interest payments or sinking fund requirements in respect of debenture debt of area municipalities for the payment of which the County is liable under this Act.

Apportionment

(2) The County Council shall ascertain and by by-law direct what portion of the sum mentioned in subsection 1 shall be levied against and in each area municipality.

Idem

(3) Subject to subsection 9, all amounts levied under subsection 1 shall be apportioned among the area municipalities in the proportion that the whole rateable property in each area municipality bears to the whole rateable property in the County, according to the last revised assessment rolls.

Assessment

(4) The Ministry of Revenue shall revise, equalize and weight the last revised assessment rolls of the area municipalities and, for the purpose of subsection 3, the last revised assessment rolls for the area municipalities as so revised, equalized and weighted by the Ministry of Revenue shall be deemed to be the last revised assessment rolls of the area municipalities.

Copy to County and area municipalities

(5) Upon completion by the Ministry of Revenue of the revision, equalization and weighting of assessment, the Ministry of Revenue shall notify the County and each of the area municipalities of the revised, equalized and weighted assessment of each area municipality.

Appeal

(6) If any area municipality is not satisfied with the assessment as revised, equalized and weighted by the Ministry of Revenue, the area municipality may appeal from the decision of the Ministry of Revenue by notice in writing to the Municipal Board at any time within thirty days after the notice of the revised, equalized and weighted assessment was sent to the area municipality by the Ministry of Revenue.

Idem

(7) Every notice of revision, equalization and weighting made under this section shall set out the time within which an appeal may be made to the Municipal Board with respect to such revision, equalization and weighting.

Amendment of by-law where necessary following appeal

(8) Where the last revised assessment of the area municipality has been revised, equalized and weighted by the Ministry of Revenue and has been appealed, the County Council shall forthwith after the decision of the Municipal Board on such appeal, amend, if required, the by-law passed under subsection 2 so as to make the apportionments among the area municipalities according to the assessments as revised by the Municipal Board upon such appeal, and,

- (a) where the moneys levied against an area municipality are thereby increased, the treasurer of the area municipality shall pay the amount of the increase to the treasurer of the County; and
- (b) where the moneys levied against an area municipality are thereby decreased, the treasurer of the area municipality shall be liable to pay the treasurer of the County only the reduced levy or, if the original levy has been paid by the area municipality, the treasurer of the County shall pay the amount of the decrease to the treasurer of the area municipality.

(9) The apportionment of the levy among the area municipalities as provided for in subsections 2 and 3 shall be based on the full value of all rateable property, and, notwithstanding any general or special Act, no fixed assessment other than a fixed assessment under section 31 of *The Assessment Act*, or partial or total exemption from assessment or taxation applies thereto, except as provided in section 3 of *The Assessment Act*.

Fixed assessments, etc., not to apply

R.S.O. 1970, c. 32

(10) The assessment upon which the levy shall be apportioned among the area municipalities shall include the valuations of all properties for which payments in lieu of taxes which include a payment in respect of County levies are paid by the Crown in right of Canada or any province or any board, commission, corporation or other agency thereof or Ontario Hydro to any area municipality and the amount by which the assessment of an area municipality shall be deemed to be increased by virtue of payments under sections 304 and 304a of *The Municipal Act* and section 4 of *The Provincial Parks Municipal Tax Assistance Act*, 1971 and subsection 3 of section 3 of *The Property Tax Stabilization Act*, 1973.

Assessment to include valuations on properties for which payments in lieu of taxes paid

R.S.O. 1970, c. 284, 1971, c. 78, 1973, c. 73

(11) Within fourteen days of a request by the Ministry of Revenue, the clerk of an area municipality shall transmit to the said Ministry a statement of the payments referred to in subsection 10 and the said Ministry shall revise, equalize and weight the valuations of these payments and shall notify the County and the appropriate area municipality of such valuations.

Valuation of properties

(12) One by-law or several by-laws for making the levies may be passed as the County Council may consider expedient.

Levy by-laws

(13) Subject to subsections 4, 5 and 6 of section 47 of *The Assessment Act*, in each area municipality the County levy shall be calculated and levied upon the whole rateable

County levy

property rateable for such purpose within such area municipality according to the last revised assessment roll thereof.

Payment

(14) All moneys levied against an area municipality under the authority of this section shall be deemed to be taxes and are a debt of the area municipality to the County and the treasurer of every area municipality shall pay the moneys so levied to the treasurer of the County at the times and in the amounts specified by the by-law of the County Council mentioned in subsection 2.

Default

(15) If an area municipality fails to make any payment as provided in the by-law, interest shall be added at the rate of 12 per cent per annum or such lower rate as the County Council determines, from the date payment is due until it is made.

Equalized
assessment
of merged
areas

82.—(1) The Ministry of Revenue shall revise, equalize and weight each part of the last revised assessment roll of the area municipalities that relates to a merged area and each such part of the last revised assessment roll of each of the area municipalities as revised, equalized and weighted is final and binding.

Notice

(2) Upon completion by the Ministry of Revenue of the revision, equalization and weighting of assessment in an area municipality under subsection 1, the Ministry of Revenue shall notify the area municipality of the revised, equalized and weighted assessment.

Apportion-
ment among
merged areas
R.S.O. 1970,
cc. 405, 284,
32

(3) Notwithstanding section 7 of *The Regional Municipal Grants Act*, the net County levy and the sums adopted in accordance with section 307 of *The Municipal Act* for all purposes, excluding school purposes, levied against the whole rateable property of an area municipality shall be apportioned among the merged areas of such area municipality in the proportion that the total equalized and weighted assessment of each merged area bears to the total equalized and weighted assessment of the area municipality both according to the last revised assessment roll as equalized and weighted by the Ministry of Revenue under subsection 1, and subsection 9 of section 35 of *The Assessment Act* shall not apply to any apportionment by an area municipality under this subsection.

Determina-
tion of rates

(4) The rates to be levied in each merged area shall be determined in accordance with subsection 2 of section 7 of *The Regional Municipal Grants Act*.

Levy by
County
Council
before
estimates
adopted

83.—(1) Notwithstanding section 81, in the year 1975, the County Council may, before the adoption of the estimates

for that year, levy against the area municipalities a sum not exceeding 25 per cent of the aggregate levies made by all local municipalities within the County in the year 1974 for general municipal and county purposes, and any amount so levied shall be apportioned among the area municipalities in the same manner as levies made under subsection 1 of section 81 and subsections 14 and 15 of section 81 apply to such levy and, if in the opinion of the County Council this would cause undue hardship in any area municipality, the County Council may reduce the amount otherwise payable under this subsection by such area municipality.

(2) Notwithstanding section 81, in 1976 and in subsequent ^{Idem} years, the County Council may, before the adoption of estimates for that year, levy against each of the area municipalities a sum not exceeding 50 per cent of the levy made by the County Council in the preceding year against that area municipality and subsections 14 and 15 of section 81 apply to such levy.

(3) The amount of any levy made under subsection 1 or 2 ^{Levy under s. 81 to be reduced} shall be deducted from the amount of levy made under section 81.

(4) Notwithstanding section 82, the council of an area ^{Levy by area municipality before estimates adopted} municipality may in any year, before the adoption of the estimates for that year, levy in each of the merged areas in the area municipality, on the whole of the assessment for real property including business assessment in the merged area according to the last revised assessment roll, a sum not exceeding in 1975, 75 per cent and in all subsequent years 50 per cent of that which would be produced by applying to such assessment the total rate for all purposes levied in the merged area in the preceding year on residential real property of public school supporters.

(5) The amount of any levy under subsection 4 shall be ^{Levy under s. 82, to be reduced} deducted from the amount of the levy made under section 82.

(6) Subsection 4 of section 303 of *The Municipal Act* ^{Application of R.S.O. 1970, c. 284, s. 303 (4)} applies to levies made under this section.

(7) The Ministry of Revenue, for the purposes of a levy ^{Preliminary assessment} under subsection 1, shall complete a preliminary assessment and such assessment shall be deemed to be the revised equalized and weighted assessment under subsection 4 of section 81.

(8) The Ministry of Revenue shall notify the County and ^{Notice} each area municipality of the preliminary assessment referred

to in subsection 7, on or before the 31st day of January, 1975.

Rates under
R.S.O. 1970,
c. 430

84.—(1) For the purposes of levying taxes under *The Separate Schools Act*, the merged areas of an area municipality shall be deemed to be municipalities, and the council of the area municipality shall be deemed to be the council of each such merged area.

Rates for
public
school
purposes on
commercial
assessment
R.S.O. 1970,
c. 424

(2) The amount required to be levied and collected by an area municipality for public school purposes on commercial assessment determined as a result of the application of section 78 of *The Schools Administration Act* shall be apportioned among the merged areas in the ratio that the total commercial assessment for public school purposes in each merged area bears to the total commercial assessment for public school purposes in the area municipality, both as equalized and weighted by the Ministry of Revenue in accordance with subsection 1 of section 82.

Rates for
public
school
purposes on
residential
assessment
R.S.O. 1970,
c. 424

(3) The amount required to be levied and collected by an area municipality for public school purposes on residential assessment determined as a result of the application of section 78 of *The Schools Administration Act* shall be apportioned among the merged areas in the ratio that the total residential assessment for public school purposes in each merged area bears to the total residential assessment for public school purposes in the area municipality, both as equalized and weighted by the Ministry of Revenue in accordance with subsection 1 of section 82.

Rates for
secondary
school
purposes on
commercial
assessment

(4) The amount required to be levied and collected by an area municipality for secondary school purposes on commercial assessment determined as a result of the application of section 78 of *The Schools Administration Act* shall be apportioned among the merged areas in the ratio that the total commercial assessment for secondary school purposes in each merged area bears to the total commercial assessment for secondary school purposes in the area municipality, both as equalized and weighted by the Ministry of Revenue in accordance with subsection 1 of section 82.

Rates for
secondary
school
purposes on
residential
assessment

(5) The amount required to be levied and collected by an area municipality for secondary school purposes on residential assessment determined as a result of the application of section 78 of *The Schools Administration Act* shall be apportioned among the merged areas in the ratio that the total residential assessment for secondary school purposes in each merged area bears to the total residential assessment for secondary school purposes in the area municipality, both

as equalized and weighted by the Ministry of Revenue in accordance with subsection 1 of section 82.

(6) Notwithstanding subsections 2, 3, 4 and 5, where, in any year, a regulation is in force under section 33 of *The Secondary Schools and Boards of Education Act*, the apportionments referred to in the said subsections 2, 3, 4 and 5 shall be made in accordance with such regulation.

Regulations
under
R.S.O. 1970,
c. 425
to apply

ADJUSTMENTS

85.—(1) The Minister may provide from time to time by order that, in the year or years and in the manner specified in the order, the council of any area municipality shall levy, on the whole of the assessment for real property and business assessment according to the last revised assessment roll in any specified merged area or areas, rates of taxation for general purposes which are different from the rates which would have been levied for such purposes but for the provisions of this section.

Transitional
adjustments

86.—(1) For the purpose of subsection 2 of section 307 of *The Municipal Act*, the surplus of the previous year for which allowance is to be made or the operating deficit to be provided for in the estimates of the council of an area municipality for the year 1975 shall be the aggregate of the audited surpluses or operating deficits of each of the merged areas of that area municipality.

Allowances
to be made in
estimates
of area
municipi-
palities
in 1975
R.S.O. 1970,
c. 284

(2) For the purpose of subsection 1, the audited surplus or operating deficit of a merged area that before the 1st day of January, 1975 comprised the whole of a local municipality shall be the audited surplus or operating deficit of such local municipality at the 31st day of December, 1974.

Merged areas

(3) For the purpose of subsection 1, the audited surplus or operating deficit of a merged area that before the 1st day of January, 1975 comprised part of a local municipality shall be an amount that is the same proportion of the audited surplus or operating deficit of the local municipality that the amount of the assessment of the merged area is of the total amount of the assessment of the local municipality, both according to the last revised assessment roll.

Idem

(4) For the purposes of this section and section 87, the audited surplus or operating deficit of a local municipality on the 31st day of December, 1974 shall be reduced or increased, as the case may be, by any payment required under subsections 4 and 5 of section 80.

Adjustment
for payment
under s. 87

Interpre-
tation

87.—(1) In this section, “surplus or operating deficit” includes any reserves provided for under section 2 of section 307 of *The Municipal Act*.

R.S.O. 1970,
c. 284

Surplus or
deficit at
December 31,
1974 to be
applied to
supporting
assessment

(2) The audited surplus or operating deficit of a local municipality at the 31st day of December, 1974 shall accrue to the credit of or become a charge on the assessment supporting such surplus or operating deficit and shall be provided for by adjustment of the tax rate over a period not exceeding five years from the 1st day of January, 1975.

Committees
of
arbitrators

88.—(1) The Minister may appoint committees of arbitrators for the purpose of determining the disposition, including the physical possession, of the assets and liabilities, including reserve funds, of any divided municipality.

Idem

(2) Each committee shall consist of the treasurers of the municipalities concerned with the disposition of particular assets and liabilities and reserve funds, or such other person or persons as the Minister may appoint.

Provisional
determina-
tion

(3) Before the 31st day of December, 1974, the committees shall, where appropriate, make provisional determinations of the disposition of the known assets, liabilities and reserve funds, and these dispositions shall become operative from the 1st day of January, 1975.

Final
determina-
tion

(4) As soon as possible thereafter, the committees where appropriate, shall make final determinations of the disposition of assets, liabilities and reserve funds as at the 31st day of December, 1974, together with determinations of any financial adjustments which may be necessary.

Notice

(5) The final determination made under subsection 4 shall be forwarded forthwith to the municipalities concerned, the County and the Municipal Board and unless the council of any such municipality or the County notifies the Municipal Board in writing within thirty days of the mailing of such determination that it objects to the determination, such determination shall, for the purposes of clause *a* of subsection 11 of section 14 of *The Municipal Act*, be deemed to be agreed upon by such municipalities and the County.

Idem

(6) The final determination of a disposition or an adjustment under this section shall set out the time within which an appeal may be made to the Municipal Board with respect to such determination.

Documents
and records

(7) All documents and records kept by the clerk or treasurer or other officer of each divided municipality shall

be transferred to the clerk or treasurer or other officer, as the case may be, of the area municipality designated by the appropriate committee established under subsection 1, and such documents and records shall be made available to any official of any municipality to which any other portion of the divided municipality is transferred, during the normal office hours of the municipality to which they are transferred.

(8) Notwithstanding the provisions of sections 80, 87 ^{Period of adjustment} and this section, the Minister may prescribe the period over which any adjustments and settlements made thereunder are to be made.

RESERVE FUNDS

89.—(1) Reserve funds established by local municipalities ^{Reserve funds of municipalities} for purposes for which the County has authority to spend funds and for which the council of an area municipality has no authority to spend funds are reserve funds of the County and the assets of such reserve funds are vested in the County.

(2) Reserve funds established by local municipalities, ^{Idem} other than divided municipalities, for purposes for which the councils of area municipalities have authority to spend funds and for which the County has no authority to spend funds are reserve funds of the area municipality of which the local municipality forms a part and the assets of such reserve funds are vested in such area municipality.

TEMPORARY LOANS

90.—(1) Section 332 of *The Municipal Act* applies *mutatis mutandis* to the County. ^{Application of R.S.O. 1970, c. 284, s. 332}

(2) In 1975, for the purposes of subsection 4 of section 332 of *The Municipal Act*, the amount that may be borrowed at any one time prior to the adoption of the estimates for that year shall be such amount as may be approved by the Minister. ^{Current borrowings}

DEBT

91.—(1) Subject to the limitations and restrictions in ^{Debt} this Act and *The Ontario Municipal Board Act*, the County ^{R.S.O. 1970, c. 323} Council may borrow money for the purposes of,

(a) the County;

(b) any area municipality;

- (c) the joint purposes of any two or more area municipalities,

whether under this or any general or special Act, and may issue debentures therefor on the credit of the County.

Liability (2) All debentures issued pursuant to a by-law passed by the County Council under the authority of this Act are direct, joint and several obligations of the County and the area municipalities notwithstanding the fact that the whole or any portion of the rates imposed for the payment thereof may have been levied only against one or more of the area municipalities, but nothing in this subsection affects the rights of the County and of the area municipalities respectively as among themselves.

Limitation (3) Notwithstanding any general or special Act, no area municipality has, after the 31st day of December, 1974, power to issue debentures.

Uncompleted works (4) When an area municipality, on or before the 31st day of December, 1974,

- (a) has applied for and obtained the final approval of the Municipal Board in respect of any work, project or other matter mentioned in subsection 1 of section 64 of *The Ontario Municipal Board Act*; and

R.S.O. 1970,
c. 323

- (b) has entered into a contract for or authorized the commencement of such work, project or matter but has not prior to that date issued the debentures authorized,

the County Council upon the request of the council of the area municipality, shall pass a by-law authorizing the issue and sale of debentures of the County for the purposes and in the amount approved by the Municipal Board and shall, if required by the area municipality, issue such debentures and provide temporary financing for the area municipality in the manner provided in section 94 and no further approval of the Municipal Board is required.

**Bonds,
debentures,
etc., trustee
investments**
R.S.O. 1970,
c. 470

- (5) Bonds, debentures and other evidences of indebtedness of the County shall be deemed to be bonds, debentures and other evidences of indebtedness of a municipal corporation for the purposes of *The Trustees Act*.

**Power to
incur debt
or issue
debentures**

92. Subject to the limitations and restrictions in this Act and *The Ontario Municipal Board Act*, the County

may by by-law incur a debt or issue debentures for the purposes set forth in subsection 1 of section 91 and, notwithstanding any general or special Act, such by-law may be passed without the assent of the electors of the County.

93.—(1) Where, under any general or special Act, an area^{Idem} municipality cannot incur a debt or issue debentures for a particular purpose without the assent of its electors or without the concurrence of a specified number of the members of its council, the County Council shall not pass a by-law authorizing the issue of debentures on behalf of such area municipality for such purpose unless such assent or concurrence to the passing of the by-law by the County Council has been obtained.

(2) Nothing in subsection 1 requires the assent of any^{Proviso} electors where such assent has been dispensed with under^{R.S.O. 1970, c. 323} section 63 of *The Ontario Municipal Board Act*.

94.—(1) Where the Municipal Board has authorized the^{Borrowing} borrowing of money and the issue of debentures by the County^{pending} for its purposes, the County Council pending the issue and^{issue and} sale of the debentures may agree with a bank or person^{sale of} for temporary advances from time to time to meet expenditures incurred for the purpose authorized, and may by by-law^{debentures} pending the sale of such debentures or in lieu of selling them authorize the warden and treasurer to raise money by way of loan on the debentures and to hypothecate them for the loan.

(2) When the Municipal Board has authorized the borrow-^{Idem} ing of money and the issue of debentures by the County for the purposes of an area municipality, the County Council or the council of the area municipality pending the issue and sale of the debentures may, and the County Council on the request of the area municipality shall, agree with a bank or person for temporary advances from time to time to meet expenditures incurred for the purposes authorized, and the County Council may, or on the request of the area municipality shall, pending the sale of such debentures or in lieu of selling them, authorize the warden and treasurer to raise money by way of loan on the debentures and to hypothecate them for the loan, and shall transfer the proceeds of such advance or loan to the area municipality.

(3) The County may charge interest on any proceeds of an^{Interest} advance or loan transferred under subsection 2 at a rate^{on proceeds} sufficient to reimburse it for the cost of such advance or^{transferred} loan.

Application
of proceeds
of loan

(4) The proceeds of every advance or loan under this section shall be applied to the purposes for which the debentures were authorized, but the lender shall not be bound to see to the application of the proceeds and, if the debentures are subsequently sold, the proceeds of the sale shall be applied first in repayment of the loan and, where the debentures were issued for the purposes of an area municipality, the balance, subject to section 106 shall be transferred to the area municipality.

Hypotheca-
tion not to
prevent sub-
sequent sale
of debentures

(5) Subject to subsection 4, the redemption of a debenture hypothecated does not prevent the subsequent sale thereof.

Principal
and interest
payments

95.—(1) Subject to subsection 2, a money by-law for the issuing of debentures shall provide that the principal shall be repaid in annual instalments with interest annually or semi-annually upon the balances from time to time remaining unpaid, but the by-law may provide for annual instalments of combined principal and interest.

Sinking
fund
debentures

(2) A money by-law for the issuing of debentures may provide that the principal shall be repaid at a fixed date with interest payable annually or semi-annually, in which case debentures issued under the by-law shall be known as sinking fund debentures.

When
debentures
to be
payable

(3) Notwithstanding any general or special Act, the whole debt and the debentures to be issued therefor shall be made payable within such term of years as the Municipal Board may approve.

Special levy
against area
municipal-
ities

(4) The by-law may provide for raising in each year, by special levy or levies against one or more area municipalities, the whole or specified portions of the sums of principal and interest payable under the by-law in such year, and each area municipality shall pay to the County such sums at the times and in the amounts specified in the by-law.

General
levy

(5) The by-law shall provide for raising in each year, by a special levy on all the area municipalities, the sums of principal and interest payable under the by-law in such year to the extent that such sums have not been provided for by any special levy or levies against any area municipality or municipalities made especially liable therefor by the by-law.

Levy by
area municipi-
alities

(6) Any special levy against an area municipality imposed by the by-law under the authority of subsection 4 may be levied by the area municipality against persons or property in the same manner and subject to the same limitations as if it were passing a by-law authorizing the issue of debentures

of the area municipality for the same purpose for the portion of the debt levied against it under subsection 4.

(7) Notwithstanding subsection 5, the County Council may by by-law,

- (a) authorize the borrowing of money by the issue of instalment debentures, the last instalment of which shall mature not earlier than ten years after the date upon which they are issued, and a specified sum of principal payable thereunder in the final year shall be raised by the issue of refunding debentures as provided in clause *b*, and it shall not be necessary to raise by special rate in the year of maturity of the debentures to be refunded an amount equal to the specified principal amount of the debentures which are being refunded; and
- (b) authorize the issue of debentures to refund at maturity outstanding debentures of the municipality, provided that the refunding debentures shall be payable within the maximum period of years that was approved by the order of the Municipal Board for the repayment of debentures issued for the debt for which the outstanding debentures were issued, commencing on the date of the debentures originally issued for such debt,

and any such by-law shall provide that the sums of principal and interest payable under the by-law shall be raised by a special levy or levies against such area municipality or municipalities as may be specified in the by-law and such levy shall be levied against the same area municipality or municipalities in each case.

(8) Any special levy against an area municipality imposed by the by-law under the authority of subsection 7 may be levied by the area municipality against persons or property in the same manner and subject to the same limitations as if it were passing a by-law authorizing the issue of debentures of the area municipality for the same purpose for the portion of the debt levied against it under subsection 7, and any levy imposed by a by-law under clause *b* of subsection 7 shall be levied by the area municipality against the same persons or property as the levy imposed by the related by-law under clause *a* of subsection 7 was levied.

(9) All levies imposed by the by-law against an area municipality are a debt of the area municipality to the County.

By-law to
change
mode of
issuing
debentures

(10) The County Council may by by-law authorize a change in the mode of issue of the debentures and may provide that the debentures be issued with coupons instead of in amounts of combined principal and interest or *vice versa*, and where any debentures issued under the by-law have been sold, pledged or hypothecated by the County Council upon again acquiring them or at the request of any holder of them, may cancel them and issue one or more debentures in substitution for them, and make such new debenture or debentures payable by the same or a different mode on the instalment plan, but no change shall be made in the amount payable in each year.

Debentures,
when to be
dated and
issued

(11) All the debentures shall be issued at one time and within two years after the passing of the by-laws unless, on account of the proposed expenditure for which the by-law provides being estimated or intended to extend over a number of years and of its being undesirable to have large portions of the money in hand unused and uninvested, in the opinion of the County Council it would not be of advantage to so issue them, and in that case the by-law may provide that the debentures may be issued in sets of such amounts and at such times as the circumstances require, but so that the first of the sets shall be issued within two years, and all of them within five years, after the passing of the by-law.

Date of
debentures

(12) All the debentures shall bear the same date, except where they are issued in sets, in which case every debenture of the same set shall bear the same date.

Idem

(13) Notwithstanding the provisions of the by-law, the debentures may bear date at any time within the period of two years or five years, as the case may be, mentioned in subsection 11 and the debentures may bear date before the date the by-law is passed if the by-law provides for the first levy being made in the year in which the debentures are dated or in the next succeeding year.

Extension
of time
for issue

(14) The Municipal Board, on the application of the County Council, the council of any area municipality or any person entitled to any of the debentures or of the proceeds of the sale thereof, may at any time extend the time for issuing the debentures beyond the two years, or the time for the issue of any set beyond the time authorized by the by-law.

Application
after time
expired

(15) The extension may be made although the application is not made until after the expiration of the two years or of the time provided for the issue of the set.

(16) Unless the by-law names a later day when it is to take effect, it takes effect on the day of its passing. Effective date

(17) Notwithstanding any general or special Act, the County Council may borrow sums for two or more purposes in one debenture by-law and provide for the issue of one series of debentures therefor. Consolidation

(18) Section 290 of *The Municipal Act* applies *mutatis mutandis* to the County. Consolidating debenture by-laws R.S.O. 1970, c. 284

(19) The by-law may provide that all the debentures or a portion thereof shall be redeemable at the option of the County on any date prior to maturity, subject to the following provisions: Redemption before maturity

1. The by-law and every debenture that is so redeemable shall specify the place or places of payment and the amount at which such debenture may be so redeemed.
2. The principal of every debenture that is so redeemable becomes due and payable on the date set for the redemption thereof, and from and after such date interest ceases to accrue thereon where provision is duly made for the payment of principal thereof, the interest to the date set for redemption and any premium payable on redemption.
3. Notice of intention so to redeem shall be sent by prepaid mail at least thirty days prior to the date set for such redemption to the person in whose name the debenture is registered at the address shown in the Debenture Registry Book.
4. At least thirty days prior to the date set for such redemption notice of intention so to redeem shall be published in *The Ontario Gazette* and in a daily newspaper of general circulation in the County and in such other manner as the by-law may provide.
5. Where only a portion of the debentures issued under the by-law is so to be redeemed, such portion shall comprise only the debentures that have the latest maturity dates and no debentures issued under the by-law shall be called for such redemption in priority to any debentures that have a later maturity date.

6. Where a debenture is redeemed on a date prior to maturity, such redemption does not affect the validity of any by-law by which special assessments are imposed or instalments thereof levied, the validity of such special assessments or levies, or the powers of the County Council to continue to levy and collect from any area municipality the subsequent payments of principal and interest payable by it to the County Council in respect of the debenture so redeemed.

Currency

(20) The by-law may provide that the debentures to be issued thereunder shall be expressed and be payable,

- (a) in lawful money of Canada and payable in Canada; or
- (b) in lawful money of the United States of America and payable in the United States of America; or
- (c) in lawful money of Great Britain and payable in Great Britain; or
- (d) subject to the prior approval of the Lieutenant Governor in Council, in a currency other than that of Canada, the United States of America or Great Britain.

Annual rates

(21) Where under the provisions of the by-law debentures issued thereunder are expressed and made payable in lawful money of the United States of America or of Great Britain, or in any currency other than that of Canada, the County Council may in such by-law or in any amending by-law in lieu of providing for the raising in each year during the currency of the debentures specific sums sufficient to pay interest thereon or instalments of principal falling due in such year, provide that there shall be raised such yearly amount as may be necessary for such purposes and as the requirements for such purposes may from year to year vary.

Principal levies

(22) When sinking fund debentures are issued, the amount of principal to be raised in each year shall be a specific sum which, with the estimated interest at a rate not exceeding 5 per cent per annum, capitalized yearly, will be sufficient to pay the principal of the debentures or any set of them, when and as it becomes due.

Consolidated bank accounts

(23) When sinking fund debentures are issued, the sinking fund committee shall keep one or more consolidated bank accounts in which,

- (a) the treasurer of the County shall deposit each year during the term of the debentures the moneys raised for the sinking fund of all debts that are to be paid by means of sinking funds; and
- (b) there shall be deposited all earnings derived from, and all proceeds of the sale, redemption or payment of, sinking fund investments.

(24) When sinking fund debentures are issued, there shall be a sinking fund committee that shall be composed of the treasurer of the County and two members appointed by the County Council, and the two appointed members may be paid, out of the current fund of the County, such annual remuneration as the County Council determines.

(25) The County Council may appoint an alternate member for such of the appointed members and any such alternate member has all the powers and duties of the member in the absence or inability to act of such member.

(26) The treasurer of the County shall be the chairman and the treasurer of the sinking fund committee and in his absence the appointed members may appoint one of themselves as acting chairman and treasurer.

(27) Each member of the sinking fund committee shall, before entering into the duties of his office, give security for the faithful performance of his duties and for duly accounting for and paying over all moneys that come into his hands, in such amount as the auditor of the County shall determine, and in other respects the provisions of section 233 of *The Municipal Act* apply with respect to such security.

(28) Two members of the sinking fund committee are a quorum, and all investments and disposals of investments must be approved by a majority of all the members of the committee.

(29) All assets of the sinking fund, including all consolidated bank accounts, shall be under the sole control and management of the sinking fund committee.

(30) All withdrawals from the consolidated bank accounts shall be authorized by the sinking fund committee, and all cheques on the consolidated bank accounts shall be signed by the chairman or acting chairman and one other member of the sinking fund committee.

(31) The sinking fund committee shall invest any moneys on deposit from time to time in the consolidated bank

accounts and may at any time or times vary any investments.

Idem

(32) The moneys in the consolidated bank accounts shall be invested in one or more of the following forms,

R.S.O. 1970,
c. 470

(a) in securities in which a trustee may invest under *The Trustee Act*;

(b) in debentures of the County;

(c) in temporary advances to the County pending the issue and sale of any debentures of the County;

(d) in temporary loans to the County for current expenditures, but no loan for such purpose shall be made for a period ending after the end of the calendar year in which the loan is made.

Deposit of
securities
with
Treasurer
of Ontario

(33) Any securities acquired by the sinking fund committee as investments for sinking fund purposes may be deposited with the Treasurer of Ontario.

Release of
securities
by Treasurer
of Ontario

(34) The Treasurer of Ontario shall release, deliver or otherwise dispose of any security deposited with him under subsection 33 only upon the direction in writing of the sinking fund committee.

Sinking
fund
accounts

(35) All sinking fund debentures issued on the same date, payable in the same currency, and maturing on the same date, notwithstanding they are issued under one or more by-laws shall be deemed one debt and be represented by one sinking fund account.

Earnings
credited
to sinking
fund
accounts

(36) That portion of the amount of all earnings in any year, on an accrual basis, from sinking fund investments obtained by,

(a) multiplying the amount of all such earnings by the amount of the capitalized interest for that year under subsection 22 with respect to the principal raised up to and including such year for all sinking fund debentures represented by any sinking fund account; and

(b) dividing the product obtained under clause *a* by the amount of all capitalized interest for that year under subsection 22 with respect to all principal raised up to and including such year for all outstanding sinking fund debentures,

shall be credited to the sinking fund account mentioned in clause *a*.

(37) The treasurer of the County shall prepare and lay ^{Sinking fund requirements} before the County Council in each year, before the annual County levies are made, a statement showing the sums that the County Council will be required, by by-law, to raise for sinking funds in that year.

(38) If the treasurer of the County contravenes sub-^{Offence}section 23 or 37, he is guilty of an offence and on summary conviction is liable to a fine of not more than \$250.

(39) If the County Council neglects in any year to ^{Failure to levy}levy the amount required to be raised for a sinking fund, each member of the County Council is disqualified from holding any municipal office for two years, unless he shows that he made reasonable efforts to procure the levying of such amount.

(40) Notwithstanding this or any other Act or by-law ^{Where amount in sinking fund account more than sufficient to pay debt}if it appears at any time that the amount at the credit of any sinking fund account will be more than sufficient, with the estimated earnings to be credited thereto under subsection 36 together with the levy required to be made by the by-law or by-laws that authorized the issue of the debentures represented by such sinking fund account, to pay the principal of the debt represented by such sinking fund account when it matures, the Municipal Board, on the application of the sinking fund committee, the County Council or the council of an area municipality, may authorize the County Council or the council of an area municipality to reduce the amount of money to be raised with respect to such debt in accordance with the order of the Municipal Board.

(41) No money collected for the purpose of a sinking ^{No diversion of sinking funds}fund shall be applied towards paying any part of the current or other expenditure of the County or otherwise than is provided in this section.

(42) When there is a surplus in a sinking fund account, ^{Surplus}the sinking fund committee shall,

- (a) use the surplus to increase the amount at the credit of another sinking fund account; or
- (b) authorize the withdrawal of the surplus from the consolidated bank accounts, and the surplus shall be used for one or more of the following purposes,
 - (i) to retire unmatured debentures of the County or of an area municipality,

- (ii) to reduce the next annual levy on account of principal and interest payable with respect to debentures of the County or an area municipality,
- (iii) to reduce the amount of debentures to be issued for other capital expenditures for which the issue of debentures has been approved by the Municipal Board,

and the surplus shall be used under either clause *a* or *b* for the purposes of the County or an area municipality in the proportion that the amount of the contribution for the purposes of each bears to the total contributions to the sinking fund account in connection with which the surplus arose.

Deficit and
surplus

(43) Notwithstanding that any sinking fund debentures have been issued for the purposes of one or more area municipalities, any deficit in the sinking fund account shall be provided by the County out of its current funds and any surplus in the sinking fund account shall be used as provided in subsection 42.

Term
debentures

(44) A money by-law may authorize the issue of debentures of which a portion shall be payable on a fixed date with interest payable annually or semi-annually, in which case such debentures shall be known as term debentures.

Amounts
to be raised
annually

(45) In respect of the term debentures, the by-law shall provide for raising,

- (a) in each year of the currency of the term debentures a sum sufficient to pay the interest on the term debentures; and
- (b) in each year of the currency of the term debentures in which no other debentures issued under the same by-law become due and payable, a specific amount to form a retirement fund for the term debentures which, with interest at a rate not to exceed 5 per cent per annum compounded yearly, will be sufficient to pay the principal of the term debentures at maturity.

Retirement
fund

(46) The retirement fund for the term debentures shall be administered by the sinking fund committee in all respects in the same manner as a sinking fund established under this section and the provisions of subsections 25 to

41 of this section with respect to a sinking fund shall apply *mutatis mutandis* to such retirement fund.

96.—(1) If the Municipal Board is of the opinion that the current rate of interest so differs from the rate of interest payable on any debentures that remain unsold or undisposed of that the sale or disposal thereof may substantially decrease or increase the amount required to be provided under the by-law under which such debentures were issued, the Municipal Board may authorize the County Council to pass a by-law to amend such by-law so as to provide for,

When rate
of interest
may be
varied

- (a) a different rate of interest;
- (b) a change in the amount to be raised annually and, if necessary, in the special levies;
- (c) such other changes in such by-law or any other by-law as to the Municipal Board may seem necessary to give effect thereto;
- (d) the issue of new debentures to bear interest at the amended rate in substitution and exchange for such first-mentioned debentures; and
- (e) the cancellation of such first-mentioned debentures upon the issue of such new debentures in substitution and exchange therefor.

(2) For the purposes of this section, the hypothecation of debentures under section 94, shall not constitute a sale or other disposal thereof.

Hypotheca-
tion not a
sale under
this section

(3) The County Council may by one by-law authorized under subsection 1 amend two or more by-laws and provide for the issue of one series of new debentures in substitution and exchange for the debentures issued thereunder.

Consoli-
dation of
debentures

(4) A by-law passed under this section does not affect the validity of any by-law by which special assessments are imposed or instalments thereof levied, the validity of such special assessments or levies, or the powers of the County Council to continue to levy and collect from any area municipality the subsequent payments of principal and interest payable by it to the County Council.

Special
assessment
and levies

97.—(1) Where part only of a sum of money provided for by a by-law has been raised, the County Council

Repeal of
by-law when
part only
of money to
be raised

may repeal the by-law as to any part of the residue, and as a proportionate part of the amounts to be raised annually.

When to
take effect

(2) The repealing by-law shall recite the facts on which it is founded, shall provide that it shall take effect on the 31st day of December in the year of its passing, shall not affect any rates or levies due or penalties incurred before that day and shall not take effect until approved by the Municipal Board.

Until debt
paid certain
by-laws
cannot be
repealed

98.—(1) Subject to section 97, after a debt has been contracted under a by-law, the County Council shall not, until the debt and interest have been paid, repeal the by-law or any by-law appropriating, for the payment of the debt or the interest, the surplus income from any work or any interest therein, or money from any other source, and shall not apply to any other purpose any money of the County that has been directed to be applied to such payment.

Application
of payments

(2) When the County, by or under the authority of this Act, pays to an area municipality any amount of principal and interest becoming due upon any outstanding debentures issued by the area municipality, neither the council of the area municipality nor any officer thereof shall apply any of the moneys so paid for any purpose other than the payment of the amounts of principal and interest so becoming due.

Offence for
neglect of
officer to
carry out
by-law

99. Any officer of the County whose duty it is to carry into effect any of the provisions of a money by-law of the County who neglects or refuses to do so, under colour of a by-law illegally attempting to repeal or amend it, so as to diminish the amount to be raised annually under it, is guilty of an offence and on summary conviction is liable to a fine of not more than \$100.

Money
by-laws
may be
registered

100.—(1) Within four weeks after the passing of a money by-law, the clerk may register a duplicate original or a copy of it certified under his hand and the seal of the County in the appropriate land registry office.

Application
to quash
registered
by-law, when
to be made
R.S.O. 1970,
cc. 323, 136,
255

(2) Subject to section 61 of *The Ontario Municipal Board Act*, every by-law registered in accordance with subsection 1, or before the sale or other disposition of the debentures issued under it, and the debentures are valid and binding, according to the terms thereof, and the by-law shall not be quashed, unless within one month after the registration in the case of by-laws passed under *The Drainage Act* or

The Local Improvement Act, and in the case of other by-laws, within three months after the registration, an application or action to quash the by-law is made to or brought in a court of competent jurisdiction, and a certificate under the hand of the proper officer of the court and its seal, stating that such application has been made or action brought, is registered in such registry office within such period of three months or one month, as the case may be.

(3) After the expiration of the period prescribed by subsection 2, if no application or action to quash the by-law is made or brought, the by-law is valid and binding according to its terms. Time when by-law to be valid and binding

(4) If an application or action to quash the by-law is made or brought within the period prescribed by subsection 2, but part only of the by-law is sought to be quashed, the remainder of it, if no application or action to quash it is made or brought within that period, is after the expiration of that period, valid and binding according to its terms. Quashing part of by-law

(5) If the application or action is dismissed in whole or in part, a certificate of the dismissal may be registered, and after such dismissal and the expiration of the period prescribed by subsection 2, if it has not already expired, the by-law, or so much of it as is not quashed, is valid and binding according to its terms. Dismissal of application

(6) Nothing in this section makes valid a by-law passed without the assent of the electors of an area municipality as required by subsection 1 of section 93 or a by-law where it appears on the face of it that any of the provisions of subsection 5 of section 95 have not been substantially complied with. Illegal by-laws not validated

(7) Failure to register a by-law as prescribed by this section does not invalidate it. Failure to register

101.—(1) A debenture or other like instrument shall be sealed with the seal of the County, which seal may be engraved, lithographed, printed or otherwise mechanically reproduced thereon, and, subject to subsection 3, shall be signed by the warden, or by some other person authorized by by-law of the County to sign it, and by the treasurer. Debentures, how sealed and executed

(2) A debenture may have attached to it interest coupons that shall be signed by the treasurer and his signature may be engraved, lithographed, printed or otherwise mechani- Interest coupons

cally reproduced thereon and such interest coupons are sufficiently signed if they bear the signature of the treasurer on the date the County Council authorized the execution of the debenture or on the date the debenture bears or at the time the debenture was issued and delivered.

Mechanical
reproduction
of signatures

(3) The signature of the warden, or such other person authorized by by-law to sign the debentures or other like instruments, may be engraved, lithographed, printed or otherwise mechanically reproduced thereon, and if the debenture or other like instruments are countersigned in writing by a person authorized by by-law of the County to countersign, the signature of the treasurer may be engraved, lithographed, printed or otherwise mechanically reproduced thereon.

Effect of
mechanical
reproduction

(4) The seal of the County when so engraved, lithographed, printed or otherwise mechanically reproduced has the same force and effect as if manually affixed and the signature of the warden or such other person authorized by by-law to sign the debentures or other like instruments and, if the debentures or other like instruments are countersigned, the signature of the treasurer when so engraved, lithographed, printed or otherwise mechanically reproduced shall be deemed the signature of the warden or other person so authorized to sign or of the treasurer, as the case may be, and is binding upon the County.

Sufficiency
of signatures

(5) Any debenture or other like instrument is sufficiently signed and countersigned if it bears the signature of the persons provided in this section if such persons had authority to sign and countersign as provided in this section either on the date the County Council authorized the execution of such instrument or on the date such instrument bears or at the time it was issued and delivered.

Debentures
on which
payment has
been made
for one year
to be valid

102. Where the interest for one year or more on the debentures issued under a by-law and the principal of any debenture that has matured has been paid by the County, the by-law and the debentures issued under it are valid and binding upon the County.

Mode of
transfer
may be
prescribed

103.—(1) Where a debenture contains or has endorsed upon it provisions to the following effect:

This debenture, or any interest therein, is not, after a certificate of ownership has been endorsed thereon by the treasurer of this Corporation (or by such other person authorized by by-law of this Corporation to endorse such certificate of ownership),

transferable except by entry by the treasurer (or by such other person so authorized) in the Debenture Registry Book of the Corporation at the

.....

.....

of.....

the treasurer (or such other persons so authorized), on the application of the owner of the debenture or of any interest in it, shall endorse upon the debenture a certificate of ownership and shall enter in a book to be called the Debenture Registry Book, a copy of the certificate and of every certificate that is subsequently given, and shall also enter in such book a memorandum of every transfer of such debenture.

(2) A certificate of ownership shall not be endorsed on a debenture except by the written authority of the person last entered as the owner of it, or of his executors or administrators, or of his or their attorney, and, if the person last entered as owner of it is a corporation, the written authority of such corporation, or its successors, which authority shall be retained and filed by the treasurer.

Require-
ments as to
endorsing
certificate
of ownership

(3) After a certificate of ownership has been endorsed, the debenture, if it contains or has endorsed upon it a provision to the like effect of the provision contained in subsection 1, is transferable only by entry by the treasurer (or by such other person so authorized) in the Debenture Registry Book as and when a transfer of the debenture is authorized by the then owner of it or his executors or administrators or his or their attorney and, if the then owner of it is a corporation, the written authority of such corporation, or its successors.

Transfer by
entry in
Debenture
Registry
Book

(4) A debenture may be registered as to both principal and interest, in which case the interest thereon shall be paid by cheque and the debenture may be referred to as a fully registered debenture.

Fully
registered
debenture

104. Where a debenture is defaced, lost or destroyed, the County Council may by by-law provide for the replacing of the debenture on the payment of such fee and on such terms as to evidence and indemnity as the by-law may provide.

Replace-
ment of lost
debentures

Exchange of
debentures

105.—(1) On request of the holder of any debenture issued by the County, the treasurer of the County may issue and deliver to such holder a new debenture or new debentures in exchange therefor for the same aggregate principal amount.

On request
of sinking
fund
committee

(2) On the request of the sinking fund committee, the treasurer of the County may, as provided in this section, exchange debentures, heretofore or hereafter issued by the County.

New debenture of same force and effect as debenture surrendered

(3) Any new debenture mentioned in subsection 1 may be registered as to principal and interest but in all other respects shall be of the same force and effect as the debenture or debentures surrendered for exchange.

Debentures
surrendered
for exchange
to be
cancelled

(4) The treasurer and auditor of the County shall cancel and destroy all debentures surrendered for exchange and shall certify in the Debenture Registry Book that they have been cancelled and destroyed and shall also enter in the Debenture Registry Book particulars of any new debenture issued in exchange.

Application
of proceeds
of debentures

106.—(1) The moneys received by the County from the sale or hypothecation of any debentures to the extent that such moneys are required for the purposes for which the debentures were issued, and for the repayment of any outstanding temporary loans with respect thereto, shall be used only for such purpose or purposes.

Idem

(2) None of the moneys received by the County from the sale or hypothecation of any debentures shall be applied towards payment of the current or other expenditures of the County or an area municipality.

Surplus

(3) Where on the sale of any debenture an amount is realized in excess of that required for the purpose or purposes for which the debentures were issued, the excess amount shall be applied,

- (a) if any such debentures are redeemable prior to maturity at the option of the County to redeem one or more of the debentures having the latest maturity date; or
- (b) to reduce the next annual levy on account of principal and interest payable with respect to such debentures; or
- (c) to reduce the amount of debentures to be issued for other capital expenditures of a similar nature

for which the issue of debentures has been approved by the Municipal Board, provided that the principal and interest charges of such debentures are levied upon the assessment of the same class of ratepayers as was levied upon for the principal and interest charges of the debentures with respect to which the excess arose.

(4) Where on the sale of any debentures a deficiency Deficiency in the amount required for the purpose or purposes for which the debentures were issued is sustained, the amount of such deficiency shall be added to the sum to be raised for the first annual payment of principal and interest with respect to the debentures and the levy made in the first year for such purpose or purposes shall be increased accordingly or shall be raised by the issue of other debentures approved by the Municipal Board for the same or any similar purpose or purposes.

107. Where real or personal property acquired out of moneys received by the County from the sale or hypothecation of any debentures is disposed of by sale or otherwise, the net proceeds of such disposal shall be applied as an excess in accordance with subsection 3 of section 106 or, with the approval of the Municipal Board, may be applied to meet the whole or a portion of any other capital expenditure the debt charges for which, if raised by taxation, would be raised by taxation levied upon the assessment of the same class of ratepayers as was levied upon for the principal and interest charges of the property disposed of or sold. Use of proceeds of sale of asset acquired from proceeds of sale of debentures

108. When the County intends to borrow money on debentures under this or any other Act, the County Council may prior to the issue thereof call for tenders for the amount of money required and the person tendering shall specify the rate of interest the debentures shall bear when issued at par. Tenders for debentures

109.—(1) The County Council shall,

(a) keep a separate account of every debenture debt;

(b) where the whole of a debenture debt is not payable in the current year, keep in respect thereof,

(i) an additional account for the interest, if any, and

Accounts, how to be kept

- (ii) an additional account for the sinking fund or the instalments of principal,

distinguished from all other accounts by a prefix designating the purpose for which the debenture debt was contracted; and

- (c) keep the accounts so as to exhibit at all times the state of every debt, and the amount of money raised, obtained and appropriated for the payment of it.

Consolidated
interest
account

(2) The County Council may by by-law provide and direct that instead of a separate account of the interest upon every debt being kept, a consolidated account of the interest upon all debts may be kept, but which consolidated account shall be so kept that it will be possible to determine therefrom the true state of the interest account upon every debt and that provision has been made to meet the interest upon every debt.

Application
of surplus
money

110. If, in any year after paying the interest and appropriating the necessary sum in payment of the instalments, there is a surplus properly applicable to such debt, it shall so remain until required in due course for the payment of interest or in payment of principal.

Liability
of members

111.—(1) If the County Council applies any money raised for a special purpose or collected for a sinking fund in payment of current or other expenditures, the members who vote for such application are personally liable for the amount so applied, which may be recovered in any court of competent jurisdiction.

Action by
ratepayer

(2) If the County Council, upon the request in writing of a ratepayer of any area municipality, refuses or neglects for one month to bring an action therefor, the action may be brought by any such ratepayer on behalf of himself and all other ratepayers in the County.

Disquali-
fication

(3) The members who vote for such application are disqualified from holding any municipal office for two years.

Refinancing
of debentures

112. When, by or under the authority of this Act, the County is or becomes liable for the payment to an area municipality of all amounts of principal and interest becoming due upon any outstanding debentures issued by the area municipality, the County may, with the approval of the Municipal Board,

- (a) cancel all such debentures that have not been sold and issue new debentures of the County in substitution and exchange therefor and apply the proceeds thereof, as may be directed by the Municipal Board for the purposes for which such debentures were issued;
- (b) arrange with the area municipality for redemption of all such debentures as are redeemable and issue new debentures of the County to raise the moneys required for such redemption; and
- (c) purchase, by agreement with the owner or owners thereof, all such debentures of a single issue of the area municipality, and issue new debentures of the Corporation to raise the money required to complete such purchase.

ASSETS

113. In the year 1974, the County of Oxford or a local board thereof and any local municipality or a local board thereof shall not, after the 1st day of July, without the approval of the Minister, dispose of any asset purchased at a cost of or valued at more than \$5,000. Disposal of assets

PART X

GENERAL

114.—(1) Sections 5, 217, 223, 224, 229, 231, 232, 233 and 235, subsections 1, 4 and 5 of section 237, sections 238, 239, 245, 249, 250, 254 and 308 and paragraphs 3, 9, 24, 44, 46, 63, 64, 65, 66 and 67 of section 352 and Parts XV, XVI, XVII and XXI of *The Municipal Act* apply *mutatis mutandis* to the County. Application of R.S.O. 1970, c. 284

(2) Sections 10 and 11 and, subject to subsection 3 of section 2, subsection 2 of section 14 of *The Municipal Act* do not apply to any area municipality except in relation to alterations of boundaries, of area municipalities, which alterations, in the opinion of the Municipal Board, are of a minor nature. Erections, annexations and amalgamations

(3) The County shall be considered to be a local municipality for the purposes of paragraphs 90 and 116 of subsection 1 of section 354 and section 394 of *The Municipal Act*. Public transportation systems, refuse disposal, entertainment expenses, etc.

(4) Notwithstanding any other provision in this Act, the County may pass a by-law authorizing the head of the Delegation of approval

department concerned to grant the approval required by subsection 2 of section 35 and any such by-law may prescribe terms and conditions under which any such approval or consent may be granted.

By-laws

(5) Every by-law of a local municipality as it exists on the 31st day of December, 1974 shall remain in force in the area of the former local municipality on and after the 1st day of January, 1975 and may be amended or repealed by the council of an area municipality as it affects such area municipality and where any such by-law pertains to a function of the County it may be amended or repealed by the County Council.

Idem

(6) Where any local municipality has passed a by-law that, prior to its coming into force requires the approval of any minister of the Crown, any provincial ministry, the Municipal Board or any provincial body or agency, and such approval has not been obtained prior to the 31st day of December, 1974, the council of the successor area municipality to such local municipality, or the County Council when the subject-matter of the by-law pertains to a function of the County, shall be entitled to initiate or continue the procedure to obtain such approval to the by-law passed by the local municipality, in so far as it pertains to such area municipality or the County and the provisions of subsection 5 apply *mutatis mutandis* to any such by-law.

Vesting of
transporta-
tion assets
in County

(7) In the event that the County establishes a transportation system in accordance with the provisions of subsection 3, no area municipality shall operate such a system and all the assets and liabilities of any area municipality used for a public transportation system vest in the County on the day such County transportation system is established, without compensation, and the County shall thereafter pay to the area municipality before the due date all amounts of principal and interest becoming due upon any outstanding debt of the area municipality in respect of any such assets.

Default

(8) If the County fails to make any payment required by subsection 7, the area municipality may charge the County interest at the rate of 12 per cent per annum thereon, or such lower rate as the council of the area municipality determines, from such date until payment is made.

Emergency
measures

115.—(1) The County may pass by-laws,

(a) for the establishment and maintenance of an emergency measures civil defence organization in the County; and

- (b) for providing moneys for emergency measures and civil defence, for the purposes of the emergency measures civil defence organization and for the cost of the operation of such organization, and for other similar work in the County,

and when a by-law passed under this subsection is in force in the County, any by-laws passed by the council of an area municipality under subclauses ii and iii of clause *b* of section 353 of *The Municipal Act* have no effect. R.S.O. 1970,
c. 284

(2) When a by-law passed under clause *a* of subsection 1 is in force, the County Council may pass by-laws, Powers
of County
Council re
emergency
measures

- (a) with the consent of the area municipality or local board concerned, for appointing heads of departments and alternates to be members of or advisers to the emergency measures planning committee or any subcommittee thereof;

- (b) with the consent of the area municipality or local board concerned, for training employees of the area municipality or local board in their emergency functions;

- (c) for appointing members of the emergency measures planning committee or of any subcommittee thereof to be in charge of such departments or utilities throughout the County, as the by-law may provide, when an emergency has been proclaimed under the *War Measures Act* (Canada) or under *The Emergency Measures Act*; R.S.C. 1970,
c. W-2.
R.S.O. 1970,
c. 145

- (d) for acquiring alternative headquarters for the County Government outside the County;

- (e) for obtaining and distributing emergency materials, equipment and supplies; and

- (f) for complying with any request of the Government of Canada or of Ontario in the event of a nuclear attack.

(3) For the purposes of *The Emergency Measures Act*, the area municipalities shall be deemed to be the local municipalities that form part of the County for municipal purposes. Deemed local
municipalities
under
R.S.O. 1970,
c. 145

116.—(1) The County may make expenditures for the purpose of diffusing information respecting the advantages Expenditures
for
diffusing
information

of the County as an industrial, business, educational, residential or vacation centre and may make annual grants for a period not exceeding five years, and upon the expiration of any such period may make similar grants for a further period not exceeding five years.

Application of R.S.O. 1970, c. 284, ss. 354 (1) par. 50, 395 (2) Paragraph 50 of subsection 1 of section 354 and section 395 of *The Municipal Act* apply *mutatis mutandis* to the County, and no area municipality shall exercise any such powers, save and except in respect of those lands acquired or held by a local municipality on or before the 31st day of December, 1974.

Grants

117. The County Council may make annual grants to institutions, associations, area municipalities and persons carrying on or engaged in works that in the opinion of the County Council are for the general advantage of the inhabitants of the County and for which grant or grants there is no express authority provided by any other Act.

Payment of damages to employees
R.S.O. 1970, c. 505

118. Where, in an action or by the settlement of a claim arising out of any injury to an employee or to any person considered an employee for the purposes of *The Workmen's Compensation Act*, the County recovers damages from a third person, such damages or any portion thereof may be paid to such employee or person or, in the event of his death, to one or more of his dependants upon such terms and conditions as the County may impose.

Investigation by county judge of charges of malfeasance

119.—(1) Where the County Council passes a resolution requesting a judge of the county court within the County or a judge of the county court of a county or judicial district adjoining the County, to investigate any matter relating to a supposed malfeasance, breach of trust or other misconduct on the part of a member of the County Council, or an officer or employee of the County, or of any person having a contract with it, in regard to the duties or obligations of the member, officer, employee or other person to the County, or to inquire into or concerning any matter connected with the good government of the County or the conduct of any part of its public business, including any business conducted by a local board of the County, the judge shall make the inquiry and for that purpose has all the powers of a commission under Part II of *The Public Inquiries Act, 1971*, which Part applies to such inquiry as if it were an inquiry under that act, and he shall, with all convenient speed, report to the County Council the result of the inquiry and the evidence taken.

1971, c. 49

(2) The judge shall be paid by the County the same fees as he would be entitled to if the inquiry had been made by him as a referee under *The Judicature Act*. Fees payable to judge
R.S.O. 1970,
c. 228

(3) The County Council may engage and pay counsel to represent the County, and may pay all proper witness fees to persons summoned to give evidence at the instance of the County, and any person charged with malfeasance, breach of trust or other misconduct, or whose conduct is called in question on such investigation or inquiry, may be represented by counsel. Engaging counsel

(4) The judge may engage counsel and such other assistants and staff and incur such incidental expenses as he considers advisable for the proper conduct of the investigation or inquiry, and the County shall pay the costs thereof. Idem

120.—(1) The Lieutenant Governor in Council, upon the recommendation of the Minister, may issue a commission to inquire into any of the affairs of the County or a local board thereof, and any matter connected therewith, and the commission has the powers of a commission under Part II of *The Public Inquiries Act, 1971*, which Part applies to such inquiry as if it were an inquiry under that Act. Commission of inquiry
1971, c. 49

(2) A commission may be recommended at the instance of the Ministry or upon the request in writing of not less than one-third of the members of the County Council, or of not less than fifty ratepayers of an area municipality assessed as owners and resident therein. When commission may issue

(3) The expenses of and incidental to the execution of the commission, including the fees and disbursements of the commissioner, shall be fixed and certified by the Minister and are subject to such division between the County and the Province as the Lieutenant Governor in Council may direct. Expenses of commission

121. The County for its purposes may enter, break up, dig and trench in, upon and under the highways, lanes and other public communications of any area municipality and may construct and maintain therein pipes, sewers, drains, conduits and other works necessary for its purposes, without making compensation therefor, but all such highways, lanes and other public communications shall be restored to their original condition without unnecessary delay. Entry on highways

Agreements
re services

122. The County and any area municipality may enter into agreements for the use within any part of the County of the services of their respective officers, employees and equipment on any such terms and conditions as the councils deem necessary.

Application of
R.S.O. 1970,
c. 32

123.—(1) For the purposes of paragraph 9 of section 3 and section 35 of *The Assessment Act*, the County shall be deemed to be a municipality.

County and
area
municipalities
deemed not
tenants

(2) For the purposes of paragraph 9 of section 3 of *The Assessment Act*, where property belonging to the County is occupied by an area municipality or where property belonging to an area municipality is occupied by the county or another area municipality, the occupant shall not be considered to be a tenant or lessee, whether rent is paid for such occupation or not.

Interpretation

(3) In subsection 2, “County” and “area municipality” include a local board thereof.

Execution
against
County

124.—(1) An execution against the County may be endorsed with a direction to the sheriff to levy the amount thereof by rate, and the proceedings therein shall then be the following:

1. The sheriff shall deliver a copy of the writ and endorsement to the treasurer of the County, or leave such copy at the office or dwelling place of the treasurer, with a statement in writing of the sheriff’s fees and of the amount required to satisfy the execution, including the interest calculated to some day as near as is convenient to the day of the service.
2. If the amount with interest thereon from the day mentioned in the statement is not paid to the sheriff within one month after the service, the sheriff shall examine the assessment rolls of all the area municipalities and shall, in like manner as the levies of the County for general purposes are apportioned among the area municipalities, determine the portion of the amount mentioned in the statement that shall be levied against and in each area municipality.
3. The sheriff shall then in like manner as rates struck for general municipal purposes within each area municipality strike a rate sufficient in the dollar to cover its share of the amount due from the

execution, and in determining such amount he may make such addition to the same as the sheriff considers sufficient to cover its share of the interest up to the time when the rate will probably be available and his own fees and poundage.

4. The sheriff shall thereupon issue a precept under his hand and seal of office directed to the collector of the area municipality and shall annex to the precept the roll of such rate and shall by the precept, after reciting the writ and that the County has neglected to satisfy the same, and referring to the roll annexed to the precept, command the collector to levy such rate at the time and in the manner by law required in respect to the general annual rates.

5. If, at the time for levying the annual rates next after the receipt of such report, the collector has a general rate roll delivered to him for the year, he shall add a column thereto, headed "Execution in A.B. vs. the County of Oxford" (adding a similar column for each execution if more than one), and shall insert therein the amount by such precept required to be levied upon each person respectively, and shall levy the amount of such execution rate as aforesaid, and shall, within the time within which he is required to make the return of the general annual rate, return to the sheriff the precept with the amount levied thereon.

6. The sheriff shall, after satisfying the execution and all the fees and poundage thereon, pay any surplus, within ten days after receiving the same, to the treasurer of the area municipality.

(2) The clerk, assessor and collector of each area municipality shall, for all purposes connected with carrying into effect, or permitting or assisting the sheriff to carry into effect, the provisions of this Act with respect to such execution, be considered to be officers of the court out of which the writ issued, and as such are amenable to the court and may be proceeded against by attachment, mandamus or otherwise in order to compel them to perform the duties imposed upon them.

125. The Woodstock Suburban Roads Commission and the Ingersoll Suburban Roads Commission are dissolved on the 1st day of January, 1975, and all the assets and liabilities thereof vest in the County on such date.

Function of
clerk and
treasurer

Roads Boards
dissolved

Powers of
O.M.B.

126.—(1) In the event of any doubt as to whether any particular asset or liability is vested in the County under this Act, the Municipal Board upon application has power to determine the matter as sole arbitrator and sections 94 and 95 of *The Ontario Municipal Board Act* do not apply to decisions or orders made in the exercise of such power.

R.S.O. 1970,
c. 323

Settling of
doubts

(2) In the event of any doubt as to whether any outstanding debt or portion thereof is a debt in respect of any asset assumed by or vested in the County under this Act, the Municipal Board upon application may determine the matter and its decision is final.

Conditional
powers

127. The Lieutenant Governor in Council, upon the recommendation of the Minister, may authorize all such acts or things not specifically provided for in this Act that are considered necessary or advisable to carry out effectively the purposes of this Act.

Conflict with
other Acts

128.—(1) The provisions of this Act apply notwithstanding the provisions of any general or special Act and, in the event of any conflict between this Act and any general or special Act, this Act prevails.

Special
legislation

(2) The provisions of any special Act relating to a local municipality or local board thereof within the County, in so far as the provisions of such special Act are not in conflict with the provisions of this Act, continue in force, and the powers conferred by any such special Act may be exercised by the County or a local board thereof or by the corporation of the appropriate area municipality or a local board thereof according to whether the powers conferred by such special Act relate to a function assigned under this Act to the County or a local board thereof or to the area municipalities or local boards thereof.

Municipal
buildings

129.—(1) The County or an area municipality or the County and one or more area municipalities,

(a) may acquire land for the purpose of constructing municipal buildings; and

(b) may construct municipal buildings for the use of the County or the County and one or more area municipalities or any local board thereof.

Application of
R.S.O. 1970,
c. 284

(2) Section 256 of *The Municipal Act* applies *mutatis mutandis* to any joint undertaking under this section.

130.—(1) In this section, “waste” includes ashes, garbage, refuse, domestic waste, industrial solid waste or municipal refuse, and such other waste as may be designated by by-law of the County Council. Interpretation

(2) On and after the 1st day of January, 1975, the County shall provide facilities for the purpose of receiving, dumping and disposing of waste, and no area municipality shall provide such facilities. Receiving and disposing of waste by County

(3) For the purposes of subsection 2; the County may acquire and use land within the County and may erect, maintain and operate all facilities including buildings, structures, machinery or equipment for the purposes of receiving, dumping and disposing of waste, and may contract with any person, including Her Majesty in right of Ontario, for such purposes, and may prohibit or regulate the dumping and disposing of waste or any class or classes thereof upon such land, and may charge fees for the use of such property, which fees may vary in respect of different classes of waste, and all such existing facilities and lands of a local municipality to the extent they are used for such purposes vest in the County on the 1st day of January, 1975, without compensation. Waste disposal sites

(4) The County shall pay to the corporation of any area municipality on or before the due date all amounts of principal and interest becoming due upon any outstanding debt of such area municipality in respect of the property assumed by the County under the provisions of subsection 3. Payment of principal and interest to area municipalities

(5) If the County fails to make any payment required by subsection 4, the area municipality may charge the County interest at the rate of 12 per cent per annum thereon or such lower rate as the council of the area municipality determines, from such date until payment is made. Default

(6) In the event of any doubt as to whether any outstanding debt or portion thereof was incurred in respect of any property vested in the County under this section, the Municipal Board may determine the matter and such determination is final and binding. O.M.B. to arbitrate

(7) For the purposes of subsection 3, paragraph 77 of subsection 1 of section 354 of *The Municipal Act* applies *mutatis mutandis*. Application of R.S.O. 1970, c. 284

131. Where any agreement has been entered into or proceeding commenced by a local municipality, providing Successor rights

the terms thereof are not inconsistent with the provisions of this Act, the County or the appropriate area municipality shall on and after the 1st day of January, 1975, be deemed to stand in the place and stead of such local municipality for all purposes in so far as the agreement or proceeding pertains to the functions of the County or area municipality.

County Fire
Co-ordinator

132. The County shall appoint a County Fire Co-ordinator who shall be responsible for the establishment of an emergency fire service plan and program for the County including the establishment of a communications system and training facilities for fire fighters, and the County is authorized to expend such sums as it considers necessary to implement such plan and program.

Existing
speed limits
continued

R.S.O. 1970,
c. 202

133.—(1) Notwithstanding the other provisions of this Act but subject to subsections 2 and 3, for the purposes of section 82 of *The Highway Traffic Act* the area in the County that, on the 31st day of December, 1974, formed part of a city, town, village or township municipality shall be considered to continue to form part of a city, town, village or township municipality.

By-laws of
County and
area
muni-
cipalities

(2) Notwithstanding subsection 1, the County Council and the council of each area municipality may exercise any of its powers under section 82 of *The Highway Traffic Act* in respect of highways under its jurisdiction and control.

Existing
speed limits
continued

(3) Every by-law passed by the council of a municipality under any provision of section 82 of *The Highway Traffic Act* that applied, on the 31st day of December, 1974, to any highway or portion thereof within the County shall continue to apply thereto until a by-law passed by the County Council or the council of an area municipality under such section 82 applies thereto.

Non-
application
of
R.S.O. 1970,
c. 354, s. 108

134.—(1) On and after the 1st day of January, 1975, no area municipality shall be required to comply with section 108 of *The Power Corporation Act*.

Distribution
of electrical
power

(2) Where, on the 31st day of December, 1974, Ontario Hydro or a public utilities commission or a hydro-electric commission is supplying electrical power and energy in any area within the County, such commission shall continue, until a date to be determined by the Minister, to distribute and sell power within such area and such commission shall be deemed to be a local board of the area municipality in which it has jurisdiction and where any such commission is serving in two or more municipalities it shall be deemed to be a local board of the municipality which has the higher or highest assessment to which electrical power and energy is being supplied.

(3) The members of a public utilities commission or a hydro-electric commission referred to in subsection 2 including *ex officio* members, who hold office when this section comes into force, shall continue to hold office until a date to be determined by the Minister and in addition to such members, the mayor elected for the area municipality or area municipalities in which such a commission operates shall also be a member of such commission.

Members of
commission
continue in
office

(4) All public utilities commissions and waterworks commissions within the County, except those referred to in subsection 2, are hereby dissolved on the 1st day of January, 1975.

Commissions
dissolved

(5) A person who is a member of a commission referred to in this section is not disqualified to be elected a member of the County Council or the council of an area municipality or to sit or vote therein by reason of being a member of such commission.

Member of
commission
not
disqualified

135.—(1) On the 31st day of December, 1974, all community centre boards and all boards of recreation or park management in a local municipality are dissolved and the assets and liabilities thereof become, on the 1st day of January, 1975, the assets and liabilities of the area municipality of which the local municipality becomes a part, and in the event the area of jurisdiction of any such board is divided between two area municipalities, the committee of arbitration appointed under section 88 shall make the determination of the disposition of such assets and liabilities in the manner prescribed in that section.

Boards, etc.,
dissolved

(2) The council of an area municipality shall be deemed to be a recreation committee under *The Ministry of Community and Social Services Act* and the regulations thereunder, and a board of a community centre under *The Community Centres Act*.

Council
deemed
recreation
committee

R.S.O. 1970,
cc. 120, 73

136. Section 38 of *The Secondary Schools and Boards of Education Act* applies to the election of the members of The Oxford County Board of Education and section 90 of *The Separate Schools Act* applies to the election of the members of The Oxford County Roman Catholic Separate School Board, except that, notwithstanding *The Municipal Elections Act, 1972*, in the year 1974,

Election
R.S.O. 1970,
cc. 425, 430

1972, c. 95

- (a) the polling day for the members of The Oxford County Board of Education and of The Oxford County Roman Catholic Separate School Board shall be the 7th day of October, and the hours of polling

shall be the same as for the municipal elections in the County and the members elected on such date shall take office on the 1st day of January, 1975, and continue to hold such office until the 31st day of December, 1976;

- (b) the Minister shall, by order, provide for nomination of candidates for The Oxford County Board of Education and for The Oxford County Roman Catholic Separate School Board and may by order provide for any other matters necessary to hold the elections for such boards; and
- (c) any reference in such sections to the 1st day of September, the 15th day of September or the 1st day of October shall be deemed to be a reference to the 1st day of August, the 15th day of August or the 1st day of September, respectively.

R.S.O. 1970,
c. 284,
s. 244, not
to apply

137. Section 244 of *The Municipal Act* does not apply to the council of a local municipality in the County in the year 1974.

Apportion-
ment of
operating
costs of
County
library
system

138. The operating costs of the County library system shall be apportioned amongst the area municipalities, with the exception of the City of Woodstock and the Town of Tillsonburg, in the proportion that the equalized, weighted assessment for each such area municipality respectively, as ascertained under section 81, bears to the total equalized, weighted assessment for such area municipalities.

Organi-
zational
expenses

139.—(1) The Lieutenant Governor in Council may, by order, provide for payments to be made out of the Consolidated Revenue Fund towards the organization expenses of the County.

Terms of
payment

(2) Payments made under this section shall be made on such terms and conditions as the Minister may direct.

Commence-
ment

140.—(1) This Act, except Parts V, VII and VIII and sections 78 to 87 and 89 to 112 of Part IX, comes into force on the day it receives Royal Assent.

Idem

(2) Parts V, VII and VIII and sections 78 to 87 and 89 to 112 of Part IX come into force on the 1st day of January, 1975.

Short title

141. This Act may be cited as *The County of Oxford Act, 1974*.

FORM 1

(Section 10 (2))

OATH OF ALLEGIANCE

I,, having been elected (*or appointed*) as Warden of the council of the County of Oxford, do swear that I will be faithful and bear true allegiance to Her Majesty Queen Elizabeth II (*or the reigning sovereign for the time being*).

Sworn before me, etc.

FORM 2

(Section 10 (2))

DECLARATION OF QUALIFICATION BY WARDEN

I,, having been elected (*or appointed*) as Warden of the council of the County of Oxford declare that:

1. I am a Canadian citizen or other British subject and am not a citizen or a subject of any foreign country.
2. I am of the full age of eighteen years.
3. I am not an employee of any area municipality or local board of any area municipality.
4. I have taken the oath of allegiance (Form 1) which I attach hereto.

And I make this solemn declaration conscientiously believing it to be true and knowing that it is of the same force and effect as if made under oath.

Declared before me, etc.

An Act to restructure
the County of Oxford

1st Reading

June 14th, 1974

2nd Reading

June 25th, 1974

3rd Reading

June 28th, 1974

THE HON. J. WHITE
Treasurer of Ontario and Minister of
Economics and Intergovernmental
Affairs

4TH SESSION, 29TH LEGISLATURE, ONTARIO
23 ELIZABETH II, 1974

**An Act to ensure a Guaranteed Annual Income
to Ontario Residents Sixty-five Years of Age and over**

THE HON. J. WHITE
Treasurer of Ontario and Minister of Economics
and Intergovernmental Affairs



EXPLANATORY NOTE

The Bill authorizes payment to every eligible person of a guaranteed annual income increment sufficient to provide an income of \$2,600 a year to each unmarried resident of Ontario and a combined income of \$5,200 to each married couple resident in Ontario. For the purpose of determining the amount of increment to which an eligible person is entitled under this Bill, income from outside sources is taken into account, as well as any pension or monthly guaranteed income supplement to which an eligible person may be entitled under the *Old Age Security Act* (Canada).

"Eligible person" is defined in the Bill to be a person who is over age sixty-five, is resident in Ontario, and who meets one of the following tests:

- (a) a person who resides in Ontario on July 1, 1974 and is receiving a guaranteed income supplement under the federal *Old Age Security Act* from the Ontario Regional Office of the Federal Department of National Health and Welfare;
- (b) a person who, prior to his eligibility, has resided in Ontario for periods that add up to twenty years since he attained eighteen years of age;
- (c) a person who has resided in Canada for the five years immediately prior to his eligibility and who has resided in Ontario for the last year of those five years; or
- (d) a person who has resided in Ontario for the full year immediately prior to his eligibility and has, including that year, resided in Canada for twenty years since attaining the age of eighteen years.

The majority of eligible persons entitled to receive an increment under this Bill will also be entitled to receive a monthly guaranteed income supplement under the *Old Age Security Act* (Canada), and section 3 of the Bill is intended to permit the Minister to make arrangements with the Government of Canada to reduce unnecessary duplication of paperwork by applicants for an increment and unnecessary administrative duplication to obtain information that will be furnished under this legislation or under the *Old Age Security Act* (Canada). To ensure similar treatment in similar circumstances under this Act and the federal Act, many of the provisions of the federal Act are paralleled in this Bill, although the less stringent residency test for eligibility in this Bill means that there will be some Ontario residents who will be entitled to receive payments under this Bill who will not be eligible for a monthly guaranteed income supplement under the federal legislation.

The first payment under the legislation proposed in this Bill will be made in the month of July, 1974, and payments will continue to be made monthly while the recipient remains an eligible person. Temporary absences from Ontario will not disqualify a recipient from eligibility to receive an increment under the proposed legislation, but taking up permanent residence outside Ontario, or residing outside Ontario for more than six consecutive months can result in disqualification or in a reduction of payments for the year in which the absence occurs.

BILL 96

1974

**An Act to ensure a Guaranteed Annual
Income to Ontario Residents Sixty-five
Years of Age and over**

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. In this Act,

Inter-
pretation

- (a) "applicant" means a person who has applied for an increment;
- (b) "application" means an application for an increment under this Act;
- (c) "base calendar year" means the calendar year ending next before the commencement of the current fiscal year;
- (d) "basic monthly income" of a beneficiary for a month means,
 - (i) for any month in which the beneficiary is unmarried, and for which he is entitled to receive in the month a pension or a supplement, an amount equal to the sum of one-twelfth of his income for the base calendar year, plus the amount of any pension or supplement that he is entitled to receive in the month,
 - (ii) for any month throughout the whole of which the beneficiary is married to a person who is entitled to receive in the month an increment and a pension or a supplement, and for which the beneficiary is entitled to receive a pension or a supplement, an amount equal to one-twenty-fourth of the aggregate of the incomes for the base calendar year of

the beneficiary and his spouse, plus the amount of any pension or supplement that the beneficiary is entitled to receive in the month,

- (iii) for any month throughout the whole of which the beneficiary is married to a person who is not entitled to receive in the month a pension or a supplement, and for which the beneficiary is entitled to receive a pension or a supplement, an amount equal to one-twenty-fourth of the aggregate of the incomes for the base calendar year of the beneficiary and his spouse, minus the lesser of,

- (A) one-half of the amount of any pension that the beneficiary is entitled to receive in the month, or

- (B) an amount equal to one-twenty-fourth of the aggregate of the incomes for the base calendar year of the beneficiary and his spouse,

plus

- (C) the amount of any pension or supplement that the beneficiary is entitled to receive in the month,

- (iv) for any month in which the beneficiary is unmarried, and for which he is not entitled to receive a pension or a supplement, an amount equal to one-twelfth of his income for the base calendar year,

- (v) for any month throughout the whole of which the beneficiary is married to a person who is entitled to receive in the month an increment, and for which neither the beneficiary nor his spouse is entitled to receive a pension or a supplement, an amount equal to one-twenty-fourth of the aggregate of the incomes for the base calendar year of the beneficiary and his spouse,

- (vi) for any month throughout the whole of which the beneficiary is married to a person who is not entitled to receive in the month an increment, a pension, or a supplement, and

for which the beneficiary is not entitled to receive a pension or a supplement,

- (A) where the aggregate of the incomes for the base calendar year of the beneficiary and his spouse is less than an amount equal to twelve times the maximum amounts of pension and supplement that are authorized to be paid in that month under the *Old Age Security Act* (Canada) to an unmarried person,^{R.S.C. 1970, c. O-6}

an amount equal to one-twelfth of the aggregate of the incomes for the base calendar year of the beneficiary and his spouse, or

- (B) where the aggregate of the incomes for the base calendar year of the beneficiary and his spouse is not less than an amount equal to twelve times the maximum amounts of pension and supplement that are authorized to be paid in that month under the *Old Age Security Act* (Canada) to an unmarried person, and is less than an amount equal to the sum of,

1. an amount equal to twenty-four times the amount of the pension that is authorized to be paid in the month under the *Old Age Security Act* (Canada),
2. an amount equal to twelve times the maximum amount of supplement that is authorized to be paid in the month under the *Old Age Security Act* (Canada) to an unmarried person, and
3. the amount of \$48.00,

an amount equal to the sum of the amount of the pension that is authorized to be paid in the month under the *Old Age Security Act* (Canada), plus the maximum amount of the supplement that is authorized to be paid in that month under the *Old Age Security Act* (Canada) to an unmarried person, or

- (C) where the aggregate of the incomes for the base calendar year of the beneficiary and his spouse is equal to or greater than the sum of the amounts described in paragraph 1, 2 or 3 of subclause B,

an amount equal to one-thirty-sixth of,

- (D) the amount of the aggregate of the incomes for the base calendar year of the beneficiary and his spouse, minus the aggregate of,

1. an amount equal to twenty-four times the amount of the pension that is authorized to be paid in the month under the *Old Age Security Act* (Canada),
2. an amount equal to twelve times the maximum amount of supplement that is authorized to be paid in the month under the *Old Age Security Act* (Canada) to an unmarried person, and
3. the amount of \$12.00,

plus the amount of the pension that is authorized to be paid in the month under the *Old Age Security Act* (Canada), plus the maximum amount of the supplement that is authorized to be paid in that month under that Act to an unmarried person, or

- (vii) for any month throughout the whole of which the beneficiary is married to a person who is entitled to receive an increment and a pension or supplement, and for which the beneficiary is not entitled to receive a pension or supplement, an amount equal to one-twelfth of the aggregate of the incomes for the base calendar year of the beneficiary and his spouse, plus the aggregate of,

- (A) the amount of any increment, and

- (B) the amount of any pension or supplement,

that the spouse of the beneficiary is entitled to receive in the month;

- (e) "beneficiary" means a person to whom payment of an increment has been approved;
- (f) "current fiscal year" means the fiscal year in respect of which an application for an increment is made by an applicant or on his behalf;
- (g) "defined income" means any amount that is a supplement, a pension, a payment similar to a supplement or a pension under a law of a province of Canada, a private pension income, a benefit, other than a death benefit, under the *Canada Pension Plan* or a provincial pension plan as defined in section 3 of the *Canada Pension Plan*, and any amount that is income prescribed for the purpose of this clause; R.S.C. 1970,
c. C-5
- (h) "eligible person" means a person who has attained sixty-five years of age or such lesser age as may be prescribed, who, on the date his application is received by the Minister or his qualifying date, whichever is the later date, is actually residing in Ontario, and who,
 - (i) on the 1st day of July, 1974, is actually residing in Ontario and is in receipt of a supplement that is paid to him through the Ontario Regional Office of the Income Security Branch of the Department of National Health and Welfare of the Government of Canada,
 - (ii) resided in Ontario for a period of one full year immediately prior to the date on which his application is received by the Minister or immediately prior to his qualifying date, whichever is the later date, and was either,
 - (A) resident in Canada for a period of five consecutive years immediately prior to the date his application is received by the Minister or immediately prior to his qualifying date, whichever is the later date, or
 - (B) resident in Canada for a continuous period of, or for periods the aggregate

of which is, twenty years after attaining the age of eighteen years,

or

- (iii) prior to the date his application is received by the Minister or prior to his qualifying date, whichever is the later date, had resided in Ontario for a continuous period of, or for periods the aggregate of which is, twenty years after attaining the age of eighteen years;
- (i) "fiscal year" means a period of twelve consecutive months commencing on the 1st day of April or on such other date as may be prescribed by the Lieutenant Governor in Council;
- (j) "guaranteed income limit" means, unless a higher amount is prescribed,
 - (i) in the case of a beneficiary described in any of subclauses i to vi of clause *d*, \$2,600, or
 - (ii) in the case of a beneficiary described in subclause vii of clause *d*, \$5,200;
- (k) "income for the base calendar year" of a person or an applicant means his income for the calendar year ended next before the current fiscal year and computed in accordance with the *Income Tax Act* (Canada), minus,
 - (i) the amount of any increment,
 - (ii) the amount of any pension or supplement and the amount of any similar payment made under a law of a province of Canada, and
 - (iii) the amount of any death benefit under the *Canada Pension Plan* or a provincial pension plan as defined in section 3 of the *Canada Pension Plan*,

1970-71,
c. 63 (Can.)

R.S.C. 1970,
c. C-5

that is included in computing that income, and means any amount deemed by section 5 to be income for the base calendar year;

- (l) "increment" means the monthly guaranteed annual income increment authorized to be paid under this

Act, and is an amount equal to the amount by which one-twelfth of the guaranteed income limit applicable to a beneficiary exceeds the beneficiary's basic monthly income for the month for which the payment authorized under this Act is being made;

- (m) "Minister" means the Minister of Revenue;
- (n) "month throughout the whole of which the beneficiary is married" includes the month in which the beneficiary ceases to be married as a result of the death of his spouse or otherwise, and "month in which the beneficiary is unmarried" does not include the month in which he so ceases to be married;
- (o) "pension" means a monthly pension authorized to be paid under Part I of the *Old Age Security Act* ^{R.S.C. 1970, c. O-6} (Canada);
- (p) "prescribed" means prescribed by regulation;
- (q) "previous fiscal year" means the fiscal year next before the current fiscal year;
- (r) "qualifying date" means the 1st day of July, 1974 or, in the case of an individual who is not an eligible person on that date, the first date after the 1st day of July, 1974 on which such individual becomes an eligible person;
- (s) "regulation" means a regulation made under this Act;

"supplement" means a monthly guaranteed income supplement authorized to be paid under Part II of the *Old Age Security Act* (Canada).

2.—(1) Subject to this Act and the regulations, an ^{Payment of} increment may be paid to every eligible person for each month in a fiscal year, such that the first payment shall be made for the month following the month in which the beneficiary's qualifying date occurs or, where an application is received after the applicant's qualifying date, for the month following the month in which the application is approved.

(2) No increment may be paid to any eligible person ^{When} _{increment} _{not payable} for any month in any fiscal year unless an application therefor has been made by him or on his behalf and payment of the increment for months in that fiscal year has been approved by the Minister, and except as other-

wise provided in this Act and the regulations, no increment may be paid to any eligible person, pursuant to an application therefor, for

- (a) any month more than twelve months before the month in which the application is received;
- (b) any month prior to the 1st day of July, 1974;
- (c) any month throughout the whole of which the beneficiary is absent from Ontario, having absented himself from Ontario, either before or after becoming a beneficiary, and having remained out of Ontario before that month for six consecutive months, exclusive of the month in which he left Ontario; or
- (d) any month prior to the month following the month in which his application is received or in which his qualifying date occurs, whichever is the later.

Suspension of payments

(3) Where, after becoming a beneficiary, a person remains out of Ontario for six consecutive months, exclusive of the month in which he left Ontario, payment of his increment in any subsequent month during which he is only temporarily resident in Ontario may, without a hearing, be suspended, but payment may be resumed with the month in which he returns to Ontario to become principally resident in Ontario.

Idem

(4) Where a beneficiary, either before or after becoming a beneficiary, is convicted of an offence and sentenced to a term of imprisonment exceeding ninety days, payment of his increment for any period he continues to be imprisoned shall be suspended, but may be resumed upon his release from imprisonment.

Idem

(5) Where a beneficiary fails to comply with any of the provisions of this Act or the regulations, payment of his increment may, without a hearing, be suspended, and where payment of an increment is so suspended, it shall be resumed when the beneficiary has complied with such provisions, and shall be paid in accordance with the amount of any increment to which the beneficiary is then entitled.

Approval where applicant entitled to pension or supplement

(6) When an applicant is, on his qualifying date or on the last day of the month in which his application is

received, whichever is the later day, entitled to receive a pension or a supplement for which he has not applied, his application shall not be approved until his entitlement to receive a pension or a supplement is determined.

(7) Where a beneficiary becomes entitled to receive a pension or a supplement and does not apply therefor, the beneficiary's increment shall be reduced to that amount that would be payable to him were he receiving the pension and, where applicable, the supplement to which he would be entitled upon making an application as provided in the *Old Age Security Act* (Canada).

Reduction of
increment
where
beneficiary
entitled to
pension or
supplement

R.S.C. 1970,
c. O-6

3.—(1) In order to facilitate the carrying out of the intent and purpose of this Act, or for the purpose of ascertaining any fact necessary to establish that a person who has applied for or is entitled to a supplement is or is not entitled to an increment, the Minister may act upon any decision made by the Minister of National Health and Welfare of the Government of Canada or by a court or tribunal to which an appeal is taken as provided for in the *Old Age Security Act* (Canada) or may act upon any statement or information furnished under that Act, and for the purpose of determining the entitlement of any person to an increment or of determining the amount thereof, the Minister may treat an application under the *Old Age Security Act* (Canada) for a supplement or a statement of income furnished under that Act as an application or statement, as the case requires, under this Act, and when so treated, such application or statement shall be deemed an application or statement under this Act.

Minister
may act on
information
furnished
under
R.S.C. 1970,
c. O-6

(2) The Minister is authorized to enter into and to proceed upon any arrangement with the Minister of National Health and Welfare of the Government of Canada for obtaining, exchanging and keeping confidential any information furnished under this Act or under the *Old Age Security Act* (Canada), or any arrangement that will, in the opinion of the Minister, facilitate the implementation and carrying out of the provisions of this Act and the payment of increments to which any eligible person is entitled under this Act, but if any such arrangement is made with a person who is not subject to the provisions of section 10, the Minister shall take all steps necessary to ensure that any information coming to such person's knowledge concerning any beneficiary or applicant is not divulged or disclosed to any person not legally entitled thereto.

Idem

Delegation
of power

(3) Where an arrangement is entered into under subsection 2, the Minister may in writing delegate the exercise or discharge of any power or duty conferred or imposed upon him by this Act, including a discretion, and where the exercise of any discretion is delegated, the Minister shall in writing define the extent to which and, where applicable, the terms upon which the discretion is exercisable, and every delegation made under this subsection may be revoked or may be made upon such conditions as the Minister may impose to ensure the carrying out of the purposes of this Act and compliance with its provisions.

Approval of
application
after month
in which
received

4.—(1) Where an application is approved after the last day of the month in which it is received, the approval may be effective as of such earlier date, not prior to the day on which the application was received, as may be prescribed.

Application
after
eligibility

(2) Notwithstanding subsection 1, where the qualifying date of an applicant occurred before the day on which his application is received, the approval of the application may be effective as of such earlier day, not before the later of,

(a) a day one year before the day on which the application was received; or

(b) the day on which the applicant's qualifying date occurred,

as may be prescribed.

Continua-
tion of
payments

(3) Subject to this Act and the regulations, an increment shall continue to be paid during the lifetime of a beneficiary, and shall cease with the payment for the month in which the beneficiary dies.

When
increment
payable

(4) Payment of an increment for any month shall be made at any time during the month, except that where payment of an increment in respect of any fiscal year is approved after the end of the month for which the first payment of the increment may be made, payments thereof for the month in which the payment of the increment is approved and for months preceding that month may be made during the two months following the month in which payment of the increment is approved.

Minimum
increment

(5) Where the increment to which a beneficiary is entitled in any month is more than zero and less than \$2.50,

the beneficiary shall be paid an increment in the amount of \$2.50 for that month.

5.—(1) Every applicant in respect of a current fiscal year shall in his application make a statement of his income for the base calendar year. Statement of income to be made

(2) Where in any current fiscal year an applicant, or an applicant's spouse who has filed a statement as described in clause *a* of subsection 2 of section 6, has ceased to hold an office or employment previously held by him or has ceased to carry on a business previously carried on by him, the applicant or the applicant's spouse, as the case may be, may, not later than the end of the fiscal year next following the current fiscal year, in addition to making the statement of his income required by subsection 1 in the case of the applicant, or in addition to filing a statement as described in clause *a* of subsection 2 of section 6 in the case of the applicant's spouse, file a statement of his estimated income, other than his estimated income from that office or employment or from that business, as the case may be, for the calendar year in which he ceased to hold that office or employment or ceased to carry on that business, in which case, Additional statement where retirement in current fiscal year

- (a) his income for that calendar year, calculated as described in clause *k* of section 1 and as though he had no income from that office or employment or from that business, as the case may be, and no defined income in that calendar year,

plus

- (b) any defined income received by him in that part of that calendar year that is after the month in which he ceased to hold that office or employment or ceased to carry on that business,

divided by the number of months in that part of that calendar year and multiplied by twelve, shall be deemed to be his income for the base calendar year.

(3) Where in any current fiscal year an applicant, or an applicant's spouse who has filed a statement as described in clause *a* of subsection 2 of section 6, has suffered a loss of income due to termination or reduction of private pension income, the applicant or the applicant's spouse, as the case may be, may, not later than the end of the fiscal year next following the current fiscal year, in addition to making the statement of his income required by Additional statement where loss of private pension income in current fiscal year

subsection 1 in the case of an applicant, or in addition to filing a statement as described in clause *a* of subsection 2 of section 6 in the case of the applicant's spouse, file a statement of his estimated income for the calendar year in which he suffered that loss, other than private pension income received by him in that part of that calendar year that is before the month in which he suffered that loss, in which case,

- (a) his income for that calendar year, calculated as described in clause *k* of section 1 and as though he had no defined income for that calendar year,

plus

- (b) any defined income received by him in that part of that calendar year that is after the month next before the month in which he suffered that loss,

divided by the number of months in that part of that calendar year and multiplied by twelve, shall be deemed to be his income for the base calendar year.

Additional
statement
where retire-
ment before
current
fiscal year

(4) Where, in the base calendar year or in the last three months of the previous fiscal year, an applicant, or an applicant's spouse who has filed a statement as described in clause *a* of subsection 2 of section 6, has ceased to hold an office or employment previously held by him or has ceased to carry on a business previously carried on by him, the applicant or the applicant's spouse, as the case may be, may, not later than the end of the current fiscal year, in addition to making the statement of his income required by subsection 1 in the case of the applicant, or in addition to filing his statement as described in clause *a* of subsection 2 of section 6 in the case of the applicant's spouse,

- (a) where he ceased to hold that office or employment or to carry on that business in the base calendar year, file a statement of his estimated income for the calendar year ending in the current fiscal year, in which case his income for that calendar year shall be deemed to be his income for the base calendar year; or
- (b) where he ceased to hold that office or employment or to carry on that business in the last three months of the previous fiscal year, file a statement of his estimated income for the calendar year ending in the current fiscal year showing any

income actually received by him in that calendar year from that office or employment or from that business, as the case may be, in which case,

- (i) his income for that calendar year, calculated as described in clause *k* of section 1 and as though he had no income from that office or employment or from that business, as the case may be, and no defined income in that calendar year,

plus

- (ii) any defined income received by him in that part of that calendar year that is after the month in which he ceased to hold that office or employment or ceased to carry on that business,

divided by the number of months in that part of that calendar year and multiplied by twelve, shall be deemed to be his income for the base calendar year.

(5) Where, in the base calendar year or in the last three months of the previous fiscal year, an applicant, or an applicant's spouse who has filed a statement as described in clause *a* of subsection 2 of section 6, has suffered a loss of income due to termination or reduction of private pension income, the applicant or the applicant's spouse, as the case may be, may, not later than the end of the current fiscal year, in addition to making the statement of his income required by subsection 1 in the case of the applicant, or in addition to filing a statement as described in clause *a* of subsection 2 of section 6 in the case of the applicant's spouse,

Additional
statement
where loss
of private
pension
income
before
current
fiscal year

- (a) where he suffered that loss in the base calendar year, file a statement of his estimated income for the calendar year ending in the current fiscal year, in which case his income for that calendar year shall be deemed to be his income for the base calendar year; or
- (b) where he suffered that loss in the last three months of the previous fiscal year, file a statement of his estimated income for the calendar year ending in the current fiscal year, showing the amount of private pension income actually received by him in

that part of that calendar year that is before the month in which he suffered that loss, in which case,

- (i) his income for that calendar year, calculated as described in clause *k* of section 1 and as though he had no defined income in that calendar year,

plus

- (ii) any defined income received by him in that part of that calendar year that is after the month next before the month in which he suffered that loss,

divided by the number of months in that part of that calendar year and multiplied by twelve, shall be deemed to be his income for the base calendar year.

Where
statement
filed under
subs. 2 or 3

(6) Where, under subsection 2 or 3, a statement of estimated income is filed by an applicant or by an applicant's spouse, no increment calculated on the basis of that statement may be paid to the applicant for any month in the current fiscal year before,

- (a) the month next following the month shown in the statement as the month in which the applicant or the applicant's spouse, as the case may be, ceased to hold the office or employment previously held by him or ceased to carry on the business previously carried on by him; or
- (b) the month shown in the statement as the month in which the applicant or the applicant's spouse, as the case may be, suffered the loss of income due to termination or reduction of private pension income,

as the case may be.

Reduction
of income
for the base
calendar
year

(7) For the purpose of facilitating a payment of an increment to a beneficiary, and for the purpose of making the same amount of increment payable to every beneficiary whose increment, calculated in accordance with this Act (other than this subsection) and the regulations, is more or less in the same amount, the Minister may reduce,

- (a) the income for the base calendar year of any beneficiary by an amount that shall not exceed \$23.99; or

- (b) the aggregate incomes for the base calendar year of any beneficiary and the spouse of that beneficiary by an amount that shall not exceed \$47.99,

and such income or incomes, when so reduced, shall be deemed to be the income for the base calendar year of the beneficiary or the aggregate incomes for the base calendar year of the beneficiary and his spouse, as the case may be, but no reduction authorized by this subsection shall be made if it will reduce the amount of the increment to which a beneficiary is entitled.

6.—(1) Every application in respect of a fiscal year shall state whether the applicant is married on the day on which the application is made or the last day of the previous fiscal year, whichever is the earlier day, and, if so, the name and address of his spouse and whether, to his knowledge, his spouse is in receipt of an increment. Statement of marital status

(2) Subject to subsection 3, where an application in respect of a fiscal year is made by a person who, on the day on which his application is made or the last day of the previous fiscal year, whichever is the earlier day, is married, the application shall not be considered or dealt with unless, Statement by spouse

- (a) the applicant's spouse has filed a statement in prescribed form of the spouse's income for the base calendar year; or

- (b) an application in respect of the current fiscal year has been received from the applicant's spouse.

(3) Where an application in respect of a fiscal year is made by a person, the Minister, Direction by Minister where no statement filed by spouse or where spouses living apart

- (a) may, without a hearing and after such investigation of the circumstances as he deems necessary, in any case where,

- (i) no statement or application under subsection 2 is filed or received from the spouse of the person, or

- (ii) he is satisfied that the person, as a result of circumstances not attributable to him or his spouse, was not living with his spouse in a dwelling maintained by him or his spouse at the time the application was made; and

- (b) shall, where he is satisfied that on the last day of the previous fiscal year, the person was living separate and apart from his spouse and had lived so separate and apart for a period of not less than one year immediately before that day,

direct that the application be considered and dealt with as though the person was not married on the last day of the previous fiscal year.

Review of
direction

(4) Where, after the Minister has made a direction under subsection 3 with respect to an application made in respect of a fiscal year by a person other than a person to whom clause *b* of subsection 3 applies, a statement or application under subsection 2 is filed by or received from the applicant's spouse, the Minister may review the direction and may after his review direct that any increment paid to the applicant or his spouse for months in that fiscal year following the month in which the review is made be calculated as if,

- (a) the applicant and his spouse were in fact married on the last day of the previous fiscal year; or
- (b) the applicant and his spouse had not been married on the last day of the previous fiscal year.

Direction by
Minister
where
marital
status
changes
in current
fiscal year

(5) Where an application in respect of a fiscal year is made by a person, and at any time in that fiscal year the person,

- (a) ceases to live separate and apart from his spouse in the case of a person referred to in clause *b* of subsection 3;
- (b) is married; or
- (c) ceases to be married as a result of the death of his spouse or otherwise,

the Minister may, where he is requested to do so by that person, direct that any increment paid to that person, or except where clause *c* applies, to that person or his spouse for any months in that fiscal year following the month in which the direction is made, be calculated,

- (d) where clause *a* or *b* applies, as though the person and his spouse had been married on the last day of the previous fiscal year; and

- (e) where clause *c* applies, as though the person had not been married on the last day of the previous fiscal year.

(6) Nothing in subsection 5 shall be construed to limit or restrict the authority of the Minister to make any direction under subsection 3 or 4, and no hearing is required to be held prior to the making of any such direction. Saving provision

7.—(1) Where an application in respect of a fiscal year is approved, and it is subsequently determined that the income of the applicant for the base calendar year calculated as required by this Act (hereinafter referred to as his “actual income”) does not accord with his income (hereinafter referred to as his “shown income”) calculated as required by this Act on the basis of a statement required or permitted by section 5 to be made or filed by him, Adjustment of increment

- (a) where the applicant’s actual income exceeds his shown income, any amount by which the increment paid to him for months in that fiscal year exceeds the increment that would have been paid to him for those months if his shown income had been equal to his actual income, may be deducted and retained out of any subsequent payments of such increment made to him in such manner as may be prescribed; and

- (b) where the applicant’s shown income exceeds his actual income, there shall be paid to him an amount by which the increment that would have been paid to him for months in that fiscal year if his shown income had been equal to his actual income, exceeds the increment paid to him for those months.

(2) Notwithstanding subsection 1, no amount may be deducted and retained in a fiscal year pursuant to that subsection with respect to any increment paid to a beneficiary for months before the immediately preceding fiscal year, unless, Limitation

- (a) the beneficiary made a wilful misrepresentation or committed fraud for the purpose of receiving or obtaining such payment of increment; or

- (b) the amount by which,

- (i) the increment paid to the beneficiary for months in that fiscal year and the immediately preceding fiscal year,

exceeds

- (ii) the increment that would have been paid to the beneficiary for those months where his shown income had been equal to his actual income,

has been determined and an amount has been deducted and retained with respect thereto in accordance with this section, in which case the amount of the excess may be deducted and retained, in such manner as may be prescribed, out of any payment of increment made to him after any amount has been so deducted and retained.

Minister
to consider
applications

8.—(1) The Minister forthwith upon receiving an application shall consider the application, and he may,

- (a) approve payment of an increment and determine the amount thereof that may be paid to the applicant; or
- (b) determine that no increment may be paid to the applicant.

Minister to
furnish
particulars

(2) Where particulars of the basis on which the amount of any increment that may be paid to an applicant was determined by the Minister are requested by the applicant, or where the Minister determines that no increment may be paid to an applicant, the Minister shall forthwith, in writing, notify the applicant of the basis upon which the amount was determined or of the basis upon which his determination was reached that no increment may be paid and shall notify the applicant of his right of appeal under this section.

Appeal

(3) Where an applicant is dissatisfied with a determination of the Minister under subsection 1 or with the decision of the Minister under section 2 to suspend payment of an increment or with a direction of the Minister under section 6, he may appeal against the determination, decision or direction as provided for in this section to the board and the decision of the board, subject only to variation by it upon application made to it by the applicant or the Minister based on evidence not previously considered by it, is final and binding on any question that is solely a question of fact.

Appeal how
commenced

(4) An appeal under this section shall be commenced by serving by registered mail or by personal service on the Minister and on the board a notice of appeal setting out the reasons for the appeal and the facts on which the appellant relies in support of his appeal.

(5) No appeal under this section with respect to a ^{Time for commencing appeal} determination under subsection 1 shall be commenced after the expiration of sixty days from the day when written notice is given by the Minister under subsection 2 as to the particulars requested by an applicant or as to a determination of the Minister that no increment is payable.

(6) Within sixty days of the day on which a notice of ^{Reply of Minister} appeal is served on him, the Minister shall serve by registered mail or by personal service on the appellant, or on his agent for service shown in the notice of appeal, a reply setting out the facts and reasons relied on by the Minister in opposing the appeal.

(7) At the time that a reply is served under subsection 6, ^{Documents to be sent to board} the Minister shall forward a copy thereof to the board, together with any statement of particulars or statement of the basis of his determination given under subsection 2 or his decision made under section 2, that is material on the appeal.

(8) When the reply of the Minister is served, the board ^{Board to hear appeal} shall appoint a time and place for the hearing of the appeal and shall so notify the appellant and the Minister, and the board shall hear the appeal, and the practice and procedure of the board, as set out in *The Family Benefits Act* and regulations made thereunder, shall, *mutatis mutandis*, apply to an appeal under this section, including any right of appeal from the decision of the board on a question that is not solely a question of fact. ^{R.S.O. 1970, c. 157}

(9) In disposing of an appeal under this section, the board ^{Powers of board} may *mutatis mutandis* exercise all the powers conferred upon it under *The Family Benefits Act*. ^{R.S.O. 1970, c. 157}

(10) The board may extend the time within which an ^{Extension of time} appeal may be commenced under subsection 5, either before or after the expiration of the time therein specified, where it is satisfied that there are *prima facie* grounds either for claiming relief pursuant to a hearing or for an appeal and that there are reasonable grounds for applying for the extension.

(11) In this section, "board" means the board of review ^{Interpretation} established and constituted under the provisions of *The Family Benefits Act* and regulations made thereunder.

9.—(1) Where a person receives or obtains the payment ^{Recovery of increment to which recipient not entitled} of an increment to which he is not entitled or the payment of an amount in excess of the increment to which he is entitled, he shall forthwith return to the Minister such increment or excess amount, as the case may be.

Idem

(2) Where a person receives or obtains the payment of an increment to which he is not entitled or the payment of an amount in excess of the increment to which he is entitled, the amount or excess amount, as the case may be, may be recovered in any court of competent jurisdiction as a debt due to the Crown in proceedings commenced,

(a) at any time, where that person made a wilful misrepresentation or committed fraud for the purpose of receiving or obtaining the amount or excess amount ;
or

(b) where clause *a* is not applicable, at any time before the end of the fiscal year next following the fiscal year in which the amount or excess amount was received or obtained,

and where that person is or subsequently becomes a beneficiary, the amount of any such indebtedness may, subject to subsection 2 of section 7, be deducted and retained out of any increment payable to him or out of any payment to which he may be entitled at any time thereafter under subsection 5 of section 6*b* of *The Income Tax Act*, and where applicable, the amount of any such indebtedness may be recovered in the manner provided for in *The Financial Administration Act*.

R.S.O. 1970,
cc. 217, 166Information
to be
confidential

10.—(1) Except as provided in subsection 2, all information obtained under this Act by any officer, employee or agent of the Ministry of Revenue is privileged and confidential, and no such officer, employee or agent shall knowingly communicate or allow to be communicated to any person not legally entitled thereto any such information, or allow any person not legally entitled to do so to inspect or have access to any statement or other writing containing such information.

Disclosure
of
information

(2) Any information referred to in subsection 1 that is obtained by any officer, employee or agent of the Ministry of Revenue in the administration of this Act may be communicated to any officer or employee of the Department of National Health and Welfare of the Government of Canada or of the Department of National Revenue of the Government of Canada, or of the Ministry of Treasury, Economics and Intergovernmental Affairs, or of the Ministry of Community and Social Services, or to any person or class of persons prescribed by the Lieutenant Governor in Council and approved by the Minister of National Health and Welfare of the Government of Canada who are administering a program of assistance payments similar in nature to the payments authorized under this Act.

(3) Notwithstanding any other Act or law, no officer, agent or employee of Her Majesty shall be required, in connection with any legal proceedings, to give evidence relating to any information that is privileged under subsection 1 or to produce any statement or other writing containing any such information. Evidence and production of documents

(4) Subsections 1 and 3 do not apply in respect of proceedings relating to the administration or enforcement of this Act. Application of subss. 1, 3

11. An increment shall not be assigned, charged, attached, anticipated or given as security, and any transaction purporting to assign, charge, attach, anticipate or give as security an increment is void. Increment not assignable

12.—(1) Where an applicant or a beneficiary entitled to receive an increment dies, the Minister may pay any increment to which the applicant or beneficiary was entitled at his death to the executor or administrator of his estate or, if no executor or administrator is, in the opinion of the Minister, likely to be appointed or granted letters probate, to such applicant's or beneficiary's surviving spouse or to the person who appears to the Minister to be discharging the duties of executor or administrator of the deceased applicant's or beneficiary's estate, although not so constituted or appointed by the Surrogate Court. Payment after death

(2) In the case of a beneficiary,

(a) for whom a committee or trustee is acting; or

(b) who, in the opinion of the Minister, is using or is likely to use his increment otherwise than for his own benefit, or is incapacitated or is incapable of handling his own affairs,

Where increment may be paid to a trustee, etc.

the Minister may appoint a person to act on behalf of the beneficiary, and the increment may be paid for the benefit of the beneficiary to the committee or trustee or to the person so appointed.

(3) A person acting for a beneficiary under subsection 2 is not entitled to any fee or other compensation or reward or to any reimbursement for any costs or expenses incurred by him. Compensation

13. Where a deduction is made from an increment payable under this Act or from any payment under a Statute of Canada or of a province of Canada that is relevant in determining the income for the base calendar year of the person Liability to Crown not to increase increment

to whom any increment may be paid under this Act, and the deduction is made by the Crown to reduce or discharge a liability to the Crown of the person, such person's entitlement under this Act shall not thereby be increased.

Production
of docu-
ments and
records to
Minister

14. The Minister may, for any purpose related to the administration or enforcement of this Act, by registered letter or by a demand served personally, require from any beneficiary, from the spouse of any beneficiary, or from any person, partnership, syndicate, trust or corporation holding any amount for or paying or liable to pay any amount to a beneficiary or to the spouse of a beneficiary, production or production on oath of any books, letters, accounts, invoices, statements (financial or otherwise) or other documents or information within such reasonable time as is stipulated therein.

Offence

15.—(1) Every person who,

- (a) knowingly, makes a false or misleading statement in an application or statement required or permitted by this Act, and who does so for the purpose of obtaining a payment of an increment under this Act to which he is not entitled or to which a person on whose behalf he is acting is not entitled;
- (b) knowingly, fails to disclose any information that is required to be disclosed and by reason thereof obtains a payment of an increment under this Act to which he is not entitled or to which the person on whose behalf he is acting is not entitled;
- (c) knowingly, converts to his own use a payment of an increment under this Act to which he is not entitled;
or
- (d) contravenes section 10 or 14,

is guilty of an offence and on summary conviction is liable to a fine of not less than \$50 and not more than \$300 for each offence.

Information
may be for
more than
one offence

(2) An information in respect of an offence under this Act may be for one or more than one offence, and no information, warrant, conviction or other proceeding in a prosecution under this Act is objectionable or insufficient by reason of the fact that it relates to two or more offences.

Limitation

(3) An information in respect of an offence under this Act shall be laid within five years of the time when the offence was committed.

16.—(1) The Minister may make regulations prescribing Regulations any form, notification or statement to be prescribed or that is required by this Act or that, in his opinion, will assist in the administration of this Act, and prescribing how and by whom any form, notification or statement shall be completed and what information it shall contain.

(2) The Lieutenant Governor in Council may make regu- Idem lations respecting any matter necessary or advisable to carry out effectively the intent and purpose of this Act, and without limiting the generality of the foregoing, may make regulations,

- (a) prescribing the amount of the guaranteed income limit;
- (b) prescribing the evidence to be furnished to the Minister to establish facts relevant to the entitlement of any person to receive an increment and to establish the amount of such increment;
- (c) authorizing a designated officer or class of officers employed by the Government of Ontario to exercise powers or perform duties of the Minister under this Act;
- (d) prescribing amounts that may be included in or excluded from defined income or income for the base calendar year;
- (e) defining intervals of absence from Ontario that shall be deemed not to have interrupted residence in Ontario;
- (f) providing for the suspension of payment of an increment during any investigation into the eligibility of a beneficiary, and the reinstatement or resumption of the payment thereof;
- (g) prescribing the manner in which any amount required by this Act to be deducted and retained out of any increment shall be so deducted and retained;
- (h) providing for the making of any application, statement or notification, or the doing of any other act or thing required or permitted by this Act, by any person or agency, and for the payment of a benefit to any person or agency on behalf of any other person or beneficiary where it is established, in such manner and by such evidence as may be prescribed, that such other person or beneficiary is, by reason of

infirmity, illness, insanity or other cause, incapable of managing his own affairs, and prescribing the manner in which any increment authorized to be paid to any such person or agency shall be administered and expended for the benefit of the beneficiary and accounted for;

- (i) fixing a date, other than the 1st day of April, for the commencement of a fiscal year for the purposes of this Act, and extending or abridging the period of any fiscal year, current fiscal year or previous fiscal year to provide for the orderly transition to the prescribed fiscal year from the fiscal year in effect prior to the prescribing of a different fiscal year under this clause;
- (j) defining the meaning of private pension income for the purposes of this Act and the regulations; and
- (k) prescribing, for the purposes of clause *h* of section 1, an age that is less than sixty-five years of age.

Idem

- (3) A regulation is, if it so provides, effective with reference to a period before it was filed.

Moneys

17. The moneys required for the purposes of this Act shall, from the 1st day of July, 1974 until the 31st day of March, 1975, be paid out of the Consolidated Revenue Fund and thereafter shall be paid out of the moneys appropriated therefor by the Legislature.

Transitional provisions

18. Notwithstanding any other provision of this Act,

- (a) every person who is an eligible person within the meaning of subclause i of clause *h* of section 1 is deemed to have applied for an increment in the month of June, 1974, to have had his application approved in that month, and to have furnished to the Minister the information that has been furnished to the Minister of National Health and Welfare with respect to the fiscal year commencing on the 1st day of April, 1974; and
- (b) where a beneficiary is, on the 1st day of July, 1974, an eligible person within the meaning of subclause ii or iii of clause *h* of section 1 and is a person whose application is received by the Minister prior to the 1st day of August, 1975, the approval of his application may be effective as of a date that is not earlier than the 30th day of June, 1974,

and where the application of a person described in clause *a* or *b* is deemed to be approved in the month of June, 1974 or is approved as of the 30th day of June, 1974, the person may be paid an increment for the month of July, 1974.

19. This Act comes into force on the day it receives Royal Assent. <sup>Commence-
ment</sup>

20. This Act may be cited as *The Ontario Guaranteed Annual Income Act, 1974*. ^{Short title}

An Act to ensure a
Guaranteed Annual Income
to Ontario Residents Sixty-five
Years of Age and over

1st Reading

June 14th, 1974

2nd Reading

3rd Reading

THE HON. J. WHITE
Treasurer of Ontario and Minister of
Economics and Intergovernmental
Affairs

(Government Bill)

BILL 96

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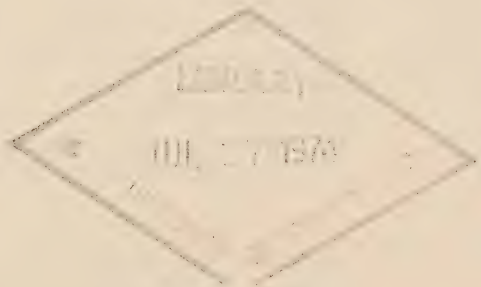
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4TH SESSION, 29TH LEGISLATURE, ONTARIO
23 ELIZABETH II, 1974

**An Act to ensure a Guaranteed Annual Income
to Ontario Residents Sixty-five Years of Age and over**

THE HON. J. WHITE
Treasurer of Ontario and Minister of Economics
and Intergovernmental Affairs



BILL 96

1974

**An Act to ensure a Guaranteed Annual
Income to Ontario Residents Sixty-five
Years of Age and over**

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. In this Act,

Inter-
pretation

- (a) "applicant" means a person who has applied for an increment;
- (b) "application" means an application for an increment under this Act;
- (c) "base calendar year" means the calendar year ending next before the commencement of the current fiscal year;
- (d) "basic monthly income" of a beneficiary for a month means,
 - (i) for any month in which the beneficiary is unmarried, and for which he is entitled to receive in the month a pension or a supplement, an amount equal to the sum of one-twelfth of his income for the base calendar year, plus the amount of any pension or supplement that he is entitled to receive in the month,
 - (ii) for any month throughout the whole of which the beneficiary is married to a person who is entitled to receive in the month an increment and a pension or a supplement, and for which the beneficiary is entitled to receive a pension or a supplement, an amount equal to one-twenty-fourth of the aggregate of the incomes for the base calendar year of

the beneficiary and his spouse, plus the amount of any pension or supplement that the beneficiary is entitled to receive in the month,

- (iii) for any month throughout the whole of which the beneficiary is married to a person who is not entitled to receive in the month a pension or a supplement, and for which the beneficiary is entitled to receive a pension or a supplement, an amount equal to one-twenty-fourth of the aggregate of the incomes for the base calendar year of the beneficiary and his spouse, minus the lesser of,

- (A) one-half of the amount of any pension that the beneficiary is entitled to receive in the month, or

- (B) an amount equal to one-twenty-fourth of the aggregate of the incomes for the base calendar year of the beneficiary and his spouse,

plus

- (C) the amount of any pension or supplement that the beneficiary is entitled to receive in the month,

- (iv) for any month in which the beneficiary is unmarried, and for which he is not entitled to receive a pension or a supplement, an amount equal to one-twelfth of his income for the base calendar year,

- (v) for any month throughout the whole of which the beneficiary is married to a person who is entitled to receive in the month an increment, and for which neither the beneficiary nor his spouse is entitled to receive a pension or a supplement, an amount equal to one-twenty-fourth of the aggregate of the incomes for the base calendar year of the beneficiary and his spouse,

- (vi) for any month throughout the whole of which the beneficiary is married to a person who is not entitled to receive in the month an increment, a pension, or a supplement, and

for which the beneficiary is not entitled to receive a pension or a supplement,

- (A) where the aggregate of the incomes for the base calendar year of the beneficiary and his spouse is less than an amount equal to twelve times the maximum amounts of pension and supplement that are authorized to be paid in that month under the *Old Age Security Act* (Canada) to an unmarried person,

R.S.C. 1970,
c. O-6

an amount equal to one-twelfth of the aggregate of the incomes for the base calendar year of the beneficiary and his spouse, or

- (B) where the aggregate of the incomes for the base calendar year of the beneficiary and his spouse is not less than an amount equal to twelve times the maximum amounts of pension and supplement that are authorized to be paid in that month under the *Old Age Security Act* (Canada) to an unmarried person, and is less than an amount equal to the sum of,

1. an amount equal to twenty-four times the amount of the pension that is authorized to be paid in the month under the *Old Age Security Act* (Canada),
2. an amount equal to twelve times the maximum amount of supplement that is authorized to be paid in the month under the *Old Age Security Act* (Canada) to an unmarried person, and
3. the amount of \$48.00,

an amount equal to the sum of the amount of the pension that is authorized to be paid in the month under the *Old Age Security Act* (Canada), plus the maximum amount of the supplement that is authorized to be paid in that month under the *Old Age Security Act* (Canada) to an unmarried person, or

- (C) where the aggregate of the incomes for the base calendar year of the beneficiary and his spouse is equal to or greater than the sum of the amounts described in paragraph 1, 2 or 3 of sub-subclause B,

an amount equal to one-thirty-sixth of,

- (D) the amount of the aggregate of the incomes for the base calendar year of the beneficiary and his spouse, minus the aggregate of,

1. an amount equal to twenty-four times the amount of the pension that is authorized to be paid in the month under the *Old Age Security Act* (Canada),
2. an amount equal to twelve times the maximum amount of supplement that is authorized to be paid in the month under the *Old Age Security Act* (Canada) to an unmarried person, and
3. the amount of \$12.00,

plus the amount of the pension that is authorized to be paid in the month under the *Old Age Security Act* (Canada), plus the maximum amount of the supplement that is authorized to be paid in that month under that Act to an unmarried person, or

- (vii) for any month throughout the whole of which the beneficiary is married to a person who is entitled to receive an increment and a pension or supplement, and for which the beneficiary is not entitled to receive a pension or supplement, an amount equal to one-twelfth of the aggregate of the incomes for the base calendar year of the beneficiary and his spouse, plus the aggregate of,

- (A) the amount of any increment, and

- (B) the amount of any pension or supplement,

that the spouse of the beneficiary is entitled to receive in the month;

- (e) "beneficiary" means a person to whom payment of an increment has been approved;
- (f) "current fiscal year" means the fiscal year in respect of which an application for an increment is made by an applicant or on his behalf;
- (g) "defined income" means any amount that is a supplement, a pension, a payment similar to a supplement or a pension under a law of a province of Canada, a private pension income, a benefit, other than a death benefit, under the *Canada Pension Plan* or a provincial pension plan as defined in section 3 of the *Canada Pension Plan*, and any amount that is income prescribed for the purpose of this clause; R.S.C. 1970,
c. C-5
- (h) "eligible person" means a person who has attained sixty-five years of age or such lesser age as may be prescribed, who, on the date his application is received by the Minister or his qualifying date, whichever is the later date, is actually residing in Ontario, and who,
 - (i) on the 1st day of July, 1974, is actually residing in Ontario and is in receipt of a supplement that is paid to him through the Ontario Regional Office of the Income Security Branch of the Department of National Health and Welfare of the Government of Canada,
 - (ii) resided in Ontario for a period of one full year immediately prior to the date on which his application is received by the Minister or immediately prior to his qualifying date, whichever is the later date, and was either,
 - (A) resident in Canada for a period of five consecutive years immediately prior to the date his application is received by the Minister or immediately prior to his qualifying date, whichever is the later date, or
 - (B) resident in Canada for a continuous period of, or for periods the aggregate

of which is, twenty years after attaining the age of eighteen years,

or

- (iii) prior to the date his application is received by the Minister or prior to his qualifying date, whichever is the later date, had resided in Ontario for a continuous period of, or for periods the aggregate of which is, twenty years after attaining the age of eighteen years;
- (i) "fiscal year" means a period of twelve consecutive months commencing on the 1st day of April or on such other date as may be prescribed by the Lieutenant Governor in Council;
- (j) "guaranteed income limit" means, unless a higher amount is prescribed,
 - (i) in the case of a beneficiary described in any of subclauses i to vi of clause *d*, \$2,600, or
 - (ii) in the case of a beneficiary described in subclause vii of clause *d*, \$5,200;
- (k) "income for the base calendar year" of a person or an applicant means his income for the calendar year ended next before the current fiscal year and computed in accordance with the *Income Tax Act* (Canada), minus,
 - (i) the amount of any increment,
 - (ii) the amount of any pension or supplement and the amount of any similar payment made under a law of a province of Canada, and
 - (iii) the amount of any death benefit under the *Canada Pension Plan* or a provincial pension plan as defined in section 3 of the *Canada Pension Plan*,

that is included in computing that income, and means any amount deemed by section 5 to be income for the base calendar year;

- (l) "increment" means the monthly guaranteed annual income increment authorized to be paid under this

1970-71,
c. 63 (Can.)

R.S.C. 1970,
c. C-5

Act, and is an amount equal to the amount by which one-twelfth of the guaranteed income limit applicable to a beneficiary exceeds the beneficiary's basic monthly income for the month for which the payment authorized under this Act is being made;

- (m) "Minister" means the Minister of Revenue;
- (n) "month throughout the whole of which the beneficiary is married" includes the month in which the beneficiary ceases to be married as a result of the death of his spouse or otherwise, and "month in which the beneficiary is unmarried" does not include the month in which he so ceases to be married;
- (o) "pension" means a monthly pension authorized to be paid under Part I of the *Old Age Security Act* ^{R.S.C. 1970, c. O-6} (Canada);
- (p) "prescribed" means prescribed by regulation;
- (q) "previous fiscal year" means the fiscal year next before the current fiscal year;
- (r) "qualifying date" means the 1st day of July, 1974 or, in the case of an individual who is not an eligible person on that date, the first date after the 1st day of July, 1974 on which such individual becomes an eligible person;
- (s) "regulation" means a regulation made under this Act;

"supplement" means a monthly guaranteed income supplement authorized to be paid under Part II of the *Old Age Security Act* (Canada).

2.—(1) Subject to this Act and the regulations, an ^{Payment of increment} increment may be paid to every eligible person for each month in a fiscal year, such that the first payment shall be made for the month following the month in which the beneficiary's qualifying date occurs or, where an application is received after the applicant's qualifying date, for the month following the month in which the application is approved.

(2) No increment may be paid to any eligible person ^{When increment not payable} for any month in any fiscal year unless an application therefor has been made by him or on his behalf and payment of the increment for months in that fiscal year has been approved by the Minister, and except as other-

wise provided in this Act and the regulations, no increment may be paid to any eligible person, pursuant to an application therefor, for

- (a) any month more than twelve months before the month in which the application is received;
- (b) any month prior to the 1st day of July, 1974;
- (c) any month throughout the whole of which the beneficiary is absent from Ontario, having absented himself from Ontario, either before or after becoming a beneficiary, and having remained out of Ontario before that month for six consecutive months, exclusive of the month in which he left Ontario; or
- (d) any month prior to the month following the month in which his application is received or in which his qualifying date occurs, whichever is the later.

Suspension of payments

(3) Where, after becoming a beneficiary, a person remains out of Ontario for six consecutive months, exclusive of the month in which he left Ontario, payment of his increment in any subsequent month during which he is only temporarily resident in Ontario may, without a hearing, be suspended, but payment may be resumed with the month in which he returns to Ontario to become principally resident in Ontario.

Idem

(4) Where a beneficiary, either before or after becoming a beneficiary, is convicted of an offence and sentenced to a term of imprisonment exceeding ninety days, payment of his increment for any period he continues to be imprisoned shall be suspended, but may be resumed upon his release from imprisonment.

Idem

(5) Where a beneficiary fails to comply with any of the provisions of this Act or the regulations, payment of his increment may, without a hearing, be suspended, and where payment of an increment is so suspended, it shall be resumed when the beneficiary has complied with such provisions, and shall be paid in accordance with the amount of any increment to which the beneficiary is then entitled.

Approval where applicant entitled to pension or supplement

(6) When an applicant is, on his qualifying date or on the last day of the month in which his application is

received, whichever is the later day, entitled to receive a pension or a supplement for which he has not applied, his application shall not be approved until his entitlement to receive a pension or a supplement is determined.

(7) Where a beneficiary becomes entitled to receive a pension or a supplement and does not apply therefor, the beneficiary's increment shall be reduced to that amount that would be payable to him were he receiving the pension and, where applicable, the supplement to which he would be entitled upon making an application as provided in the *Old Age Security Act* (Canada).

Reduction of increment where beneficiary entitled to pension or supplement

R.S.C. 1970, c. O-6

3.—(1) In order to facilitate the carrying out of the intent and purpose of this Act, or for the purpose of ascertaining any fact necessary to establish that a person who has applied for or is entitled to a supplement is or is not entitled to an increment, the Minister may act upon any decision made by the Minister of National Health and Welfare of the Government of Canada or by a court or tribunal to which an appeal is taken as provided for in the *Old Age Security Act* (Canada) or may act upon any statement or information furnished under that Act, and for the purpose of determining the entitlement of any person to an increment or of determining the amount thereof, the Minister may treat an application under the *Old Age Security Act* (Canada) for a supplement or a statement of income furnished under that Act as an application or statement, as the case requires, under this Act, and when so treated, such application or statement shall be deemed an application or statement under this Act.

Minister may act on information furnished under R.S.C. 1970, c. O-6

(2) The Minister is authorized to enter into and to proceed upon any arrangement with the Minister of National Health and Welfare of the Government of Canada for obtaining, exchanging and keeping confidential any information furnished under this Act or under the *Old Age Security Act* (Canada), or any arrangement that will, in the opinion of the Minister, facilitate the implementation and carrying out of the provisions of this Act and the payment of increments to which any eligible person is entitled under this Act, but if any such arrangement is made with a person who is not subject to the provisions of section 10, the Minister shall take all steps necessary to ensure that any information coming to such person's knowledge concerning any beneficiary or applicant is not divulged or disclosed to any person not legally entitled thereto.

Idem

Delegation
of power

(3) Where an arrangement is entered into under subsection 2, the Minister may in writing delegate the exercise or discharge of any power or duty conferred or imposed upon him by this Act, including a discretion, and where the exercise of any discretion is delegated, the Minister shall in writing define the extent to which and, where applicable, the terms upon which the discretion is exercisable, and every delegation made under this subsection may be revoked or may be made upon such conditions as the Minister may impose to ensure the carrying out of the purposes of this Act and compliance with its provisions.

Approval of
application
after month
in which
received

4.—(1) Where an application is approved after the last day of the month in which it is received, the approval may be effective as of such earlier date, not prior to the day on which the application was received, as may be prescribed.

Application
after
eligibility

(2) Notwithstanding subsection 1, where the qualifying date of an applicant occurred before the day on which his application is received, the approval of the application may be effective as of such earlier day, not before the later of,

(a) a day one year before the day on which the application was received; or

(b) the day on which the applicant's qualifying date occurred,

as may be prescribed.

Continua-
tion of
payments

(3) Subject to this Act and the regulations, an increment shall continue to be paid during the lifetime of a beneficiary, and shall cease with the payment for the month in which the beneficiary dies.

When
increment
payable

(4) Payment of an increment for any month shall be made at any time during the month, except that where payment of an increment in respect of any fiscal year is approved after the end of the month for which the first payment of the increment may be made, payments thereof for the month in which the payment of the increment is approved and for months preceding that month may be made during the two months following the month in which payment of the increment is approved.

Minimum
increment

(5) Where the increment to which a beneficiary is entitled in any month is more than zero and less than \$2.50,

the beneficiary shall be paid an increment in the amount of \$2.50 for that month.

5.—(1) Every applicant in respect of a current fiscal year shall in his application make a statement of his income for the base calendar year. Statement of income to be made

(2) Where in any current fiscal year an applicant, or an applicant's spouse who has filed a statement as described in clause *a* of subsection 2 of section 6, has ceased to hold an office or employment previously held by him or has ceased to carry on a business previously carried on by him, the applicant or the applicant's spouse, as the case may be, may, not later than the end of the fiscal year next following the current fiscal year, in addition to making the statement of his income required by subsection 1 in the case of the applicant, or in addition to filing a statement as described in clause *a* of subsection 2 of section 6 in the case of the applicant's spouse, file a statement of his estimated income, other than his estimated income from that office or employment or from that business, as the case may be, for the calendar year in which he ceased to hold that office or employment or ceased to carry on that business, in which case, Additional statement where retirement in current fiscal year

- (a) his income for that calendar year, calculated as described in clause *k* of section 1 and as though he had no income from that office or employment or from that business, as the case may be, and no defined income in that calendar year,

plus

- (b) any defined income received by him in that part of that calendar year that is after the month in which he ceased to hold that office or employment or ceased to carry on that business,

divided by the number of months in that part of that calendar year and multiplied by twelve, shall be deemed to be his income for the base calendar year.

(3) Where in any current fiscal year an applicant, or an applicant's spouse who has filed a statement as described in clause *a* of subsection 2 of section 6, has suffered a loss of income due to termination or reduction of private pension income, the applicant or the applicant's spouse, as the case may be, may, not later than the end of the fiscal year next following the current fiscal year, in addition to making the statement of his income required by Additional statement where loss of private pension income in current fiscal year

subsection 1 in the case of an applicant, or in addition to filing a statement as described in clause *a* of subsection 2 of section 6 in the case of the applicant's spouse, file a statement of his estimated income for the calendar year in which he suffered that loss, other than private pension income received by him in that part of that calendar year that is before the month in which he suffered that loss, in which case,

- (a) his income for that calendar year, calculated as described in clause *k* of section 1 and as though he had no defined income for that calendar year,

plus

- (b) any defined income received by him in that part of that calendar year that is after the month next before the month in which he suffered that loss,

divided by the number of months in that part of that calendar year and multiplied by twelve, shall be deemed to be his income for the base calendar year.

Additional
statement
where retire-
ment before
current
fiscal year

(4) Where, in the base calendar year or in the last three months of the previous fiscal year, an applicant, or an applicant's spouse who has filed a statement as described in clause *a* of subsection 2 of section 6, has ceased to hold an office or employment previously held by him or has ceased to carry on a business previously carried on by him, the applicant or the applicant's spouse, as the case may be, may, not later than the end of the current fiscal year, in addition to making the statement of his income required by subsection 1 in the case of the applicant, or in addition to filing his statement as described in clause *a* of subsection 2 of section 6 in the case of the applicant's spouse,

- (a) where he ceased to hold that office or employment or to carry on that business in the base calendar year, file a statement of his estimated income for the calendar year ending in the current fiscal year, in which case his income for that calendar year shall be deemed to be his income for the base calendar year; or
- (b) where he ceased to hold that office or employment or to carry on that business in the last three months of the previous fiscal year, file a statement of his estimated income for the calendar year ending in the current fiscal year showing any

income actually received by him in that calendar year from that office or employment or from that business, as the case may be, in which case,

- (i) his income for that calendar year, calculated as described in clause *k* of section 1 and as though he had no income from that office or employment or from that business, as the case may be, and no defined income in that calendar year,

plus

- (ii) any defined income received by him in that part of that calendar year that is after the month in which he ceased to hold that office or employment or ceased to carry on that business,

divided by the number of months in that part of that calendar year and multiplied by twelve, shall be deemed to be his income for the base calendar year.

(5) Where, in the base calendar year or in the last three months of the previous fiscal year, an applicant, or an applicant's spouse who has filed a statement as described in clause *a* of subsection 2 of section 6, has suffered a loss of income due to termination or reduction of private pension income, the applicant or the applicant's spouse, as the case may be, may, not later than the end of the current fiscal year, in addition to making the statement of his income required by subsection 1 in the case of the applicant, or in addition to filing a statement as described in clause *a* of subsection 2 of section 6 in the case of the applicant's spouse,

Additional
statement
where loss
of private
pension
income
before
current
fiscal year

- (a) where he suffered that loss in the base calendar year, file a statement of his estimated income for the calendar year ending in the current fiscal year, in which case his income for that calendar year shall be deemed to be his income for the base calendar year; or
- (b) where he suffered that loss in the last three months of the previous fiscal year, file a statement of his estimated income for the calendar year ending in the current fiscal year, showing the amount of private pension income actually received by him in

that part of that calendar year that is before the month in which he suffered that loss, in which case,

- (i) his income for that calendar year, calculated as described in clause *k* of section 1 and as though he had no defined income in that calendar year,

plus

- (ii) any defined income received by him in that part of that calendar year that is after the month next before the month in which he suffered that loss,

divided by the number of months in that part of that calendar year and multiplied by twelve, shall be deemed to be his income for the base calendar year.

Where
statement
filed under
subs. 2 or 3

(6) Where, under subsection 2 or 3, a statement of estimated income is filed by an applicant or by an applicant's spouse, no increment calculated on the basis of that statement may be paid to the applicant for any month in the current fiscal year before,

- (a) the month next following the month shown in the statement as the month in which the applicant or the applicant's spouse, as the case may be, ceased to hold the office or employment previously held by him or ceased to carry on the business previously carried on by him; or
- (b) the month shown in the statement as the month in which the applicant or the applicant's spouse, as the case may be, suffered the loss of income due to termination or reduction of private pension income,

as the case may be.

Reduction
of income
for the base
calendar
year

(7) For the purpose of facilitating a payment of an increment to a beneficiary, and for the purpose of making the same amount of increment payable to every beneficiary whose increment, calculated in accordance with this Act (other than this subsection) and the regulations, is more or less in the same amount, the Minister may reduce,

- (a) the income for the base calendar year of any beneficiary by an amount that shall not exceed \$23.99; or

- (b) the aggregate incomes for the base calendar year of any beneficiary and the spouse of that beneficiary by an amount that shall not exceed \$47.99,

and such income or incomes, when so reduced, shall be deemed to be the income for the base calendar year of the beneficiary or the aggregate incomes for the base calendar year of the beneficiary and his spouse, as the case may be, but no reduction authorized by this subsection shall be made if it will reduce the amount of the increment to which a beneficiary is entitled.

6.—(1) Every application in respect of a fiscal year shall state whether the applicant is married on the day on which the application is made or the last day of the previous fiscal year, whichever is the earlier day, and, if so, the name and address of his spouse and whether, to his knowledge, his spouse is in receipt of an increment. Statement
of marital
status

(2) Subject to subsection 3, where an application in respect of a fiscal year is made by a person who, on the day on which his application is made or the last day of the previous fiscal year, whichever is the earlier day, is married, the application shall not be considered or dealt with unless, Statement
by spouse

- (a) the applicant's spouse has filed a statement in prescribed form of the spouse's income for the base calendar year; or

- (b) an application in respect of the current fiscal year has been received from the applicant's spouse.

(3) Where an application in respect of a fiscal year is made by a person, the Minister, Direction by
Minister
where no
statement
filed by
spouse or
where
spouses
living apart

- (a) may, without a hearing and after such investigation of the circumstances as he deems necessary, in any case where,

- (i) no statement or application under subsection 2 is filed or received from the spouse of the person, or

- (ii) he is satisfied that the person, as a result of circumstances not attributable to him or his spouse, was not living with his spouse in a dwelling maintained by him or his spouse at the time the application was made; and

- (b) shall, where he is satisfied that on the last day of the previous fiscal year, the person was living separate and apart from his spouse and had lived so separate and apart for a period of not less than one year immediately before that day,

direct that the application be considered and dealt with as though the person was not married on the last day of the previous fiscal year.

Review of
direction

(4) Where, after the Minister has made a direction under subsection 3 with respect to an application made in respect of a fiscal year by a person other than a person to whom clause *b* of subsection 3 applies, a statement or application under subsection 2 is filed by or received from the applicant's spouse, the Minister may review the direction and may after his review direct that any increment paid to the applicant or his spouse for months in that fiscal year following the month in which the review is made be calculated as if,

- (a) the applicant and his spouse were in fact married on the last day of the previous fiscal year; or
- (b) the applicant and his spouse had not been married on the last day of the previous fiscal year.

Direction by
Minister
where
marital
status
changes
in current
fiscal year

(5) Where an application in respect of a fiscal year is made by a person, and at any time in that fiscal year the person,

- (a) ceases to live separate and apart from his spouse in the case of a person referred to in clause *b* of subsection 3;
- (b) is married; or
- (c) ceases to be married as a result of the death of his spouse or otherwise,

the Minister may, where he is requested to do so by that person, direct that any increment paid to that person, or except where clause *c* applies, to that person or his spouse for any months in that fiscal year following the month in which the direction is made, be calculated,

- (d) where clause *a* or *b* applies, as though the person and his spouse had been married on the last day of the previous fiscal year; and

- (e) where clause *c* applies, as though the person had not been married on the last day of the previous fiscal year.

(6) Nothing in subsection 5 shall be construed to limit or restrict the authority of the Minister to make any direction under subsection 3 or 4, and no hearing is required to be held prior to the making of any such direction. Saving provision

7.—(1) Where an application in respect of a fiscal year is approved, and it is subsequently determined that the income of the applicant for the base calendar year calculated as required by this Act (hereinafter referred to as his “actual income”) does not accord with his income (hereinafter referred to as his “shown income”) calculated as required by this Act on the basis of a statement required or permitted by section 5 to be made or filed by him, Adjustment of increment

- (a) where the applicant’s actual income exceeds his shown income, any amount by which the increment paid to him for months in that fiscal year exceeds the increment that would have been paid to him for those months if his shown income had been equal to his actual income, may be deducted and retained out of any subsequent payments of such increment made to him in such manner as may be prescribed; and

- (b) where the applicant’s shown income exceeds his actual income, there shall be paid to him an amount by which the increment that would have been paid to him for months in that fiscal year if his shown income had been equal to his actual income, exceeds the increment paid to him for those months.

(2) Notwithstanding subsection 1, no amount may be deducted and retained in a fiscal year pursuant to that subsection with respect to any increment paid to a beneficiary for months before the immediately preceding fiscal year, unless, Limitation

- (a) the beneficiary made a wilful misrepresentation or committed fraud for the purpose of receiving or obtaining such payment of increment; or

- (b) the amount by which,

- (i) the increment paid to the beneficiary for months in that fiscal year and the immediately preceding fiscal year,

exceeds

- (ii) the increment that would have been paid to the beneficiary for those months where his shown income had been equal to his actual income,

has been determined and an amount has been deducted and retained with respect thereto in accordance with this section, in which case the amount of the excess may be deducted and retained, in such manner as may be prescribed, out of any payment of increment made to him after any amount has been so deducted and retained.

Minister
to consider
applications

8.—(1) The Minister forthwith upon receiving an application shall consider the application, and he may,

- (a) approve payment of an increment and determine the amount thereof that may be paid to the applicant; or
- (b) determine that no increment may be paid to the applicant.

Minister to
furnish
particulars

(2) Where particulars of the basis on which the amount of any increment that may be paid to an applicant was determined by the Minister are requested by the applicant, or where the Minister determines that no increment may be paid to an applicant, the Minister shall forthwith, in writing, notify the applicant of the basis upon which the amount was determined or of the basis upon which his determination was reached that no increment may be paid and shall notify the applicant of his right of appeal under this section.

Appeal

(3) Where an applicant is dissatisfied with a determination of the Minister under subsection 1 or with the decision of the Minister under section 2 to suspend payment of an increment or with a direction of the Minister under section 6, he may appeal against the determination, decision or direction as provided for in this section to the board and the decision of the board, subject only to variation by it upon application made to it by the applicant or the Minister based on evidence not previously considered by it, is final and binding on any question that is solely a question of fact.

Appeal how
commenced

(4) An appeal under this section shall be commenced by serving by registered mail or by personal service on the Minister and on the board a notice of appeal setting out the reasons for the appeal and the facts on which the appellant relies in support of his appeal.

(5) No appeal under this section with respect to a determination under subsection 1 shall be commenced after the expiration of sixty days from the day when written notice is given by the Minister under subsection 2 as to the particulars requested by an applicant or as to a determination of the Minister that no increment is payable.

(6) Within sixty days of the day on which a notice of appeal is served on him, the Minister shall serve by registered mail or by personal service on the appellant, or on his agent for service shown in the notice of appeal, a reply setting out the facts and reasons relied on by the Minister in opposing the appeal.

(7) At the time that a reply is served under subsection 6, the Minister shall forward a copy thereof to the board together with any statement of particulars or statement of the basis of his determination given under subsection 2 or his decision made under section 2, that is material on the appeal.

(8) When the reply of the Minister is served, the board shall appoint a time and place for the hearing of the appeal and shall so notify the appellant and the Minister, and the board shall hear the appeal, and the practice and procedure of the board, as set out in *The Family Benefits Act* and regulations made thereunder, shall, *mutatis mutandis*, apply to an appeal under this section, including any right of appeal from the decision of the board on a question that is not solely a question of fact.

(9) In disposing of an appeal under this section, the board may *mutatis mutandis* exercise all the powers conferred upon it under *The Family Benefits Act*.

(10) The board may extend the time within which an appeal may be commenced under subsection 5, either before or after the expiration of the time therein specified, where it is satisfied that there are *prima facie* grounds either for claiming relief pursuant to a hearing or for an appeal and that there are reasonable grounds for applying for the extension.

(11) In this section, "board" means the board of review established and constituted under the provisions of *The Family Benefits Act* and regulations made thereunder.

9.—(1) Where a person receives or obtains the payment of an increment to which he is not entitled or the payment of an amount in excess of the increment to which he is entitled, he shall forthwith return to the Minister such increment or excess amount, as the case may be.

Idem

(2) Where a person receives or obtains the payment of an increment to which he is not entitled or the payment of an amount in excess of the increment to which he is entitled, the amount or excess amount, as the case may be, may be recovered in any court of competent jurisdiction as a debt due to the Crown in proceedings commenced,

(a) at any time, where that person made a wilful misrepresentation or committed fraud for the purpose of receiving or obtaining the amount or excess amount ; or

(b) where clause *a* is not applicable, at any time before the end of the fiscal year next following the fiscal year in which the amount or excess amount was received or obtained,

and where that person is or subsequently becomes a beneficiary, the amount of any such indebtedness may, subject to subsection 2 of section 7, be deducted and retained out of any increment payable to him or out of any payment to which he may be entitled at any time thereafter under subsection 5 of section 6*b* of *The Income Tax Act*, and where applicable, the amount of any such indebtedness may be recovered in the manner provided for in *The Financial Administration Act*.

R.S.O. 1970,
cc. 217, 166Information
to be
confidential

10.—(1) Except as provided in subsection 2, all information obtained under this Act by any officer, employee or agent of the Ministry of Revenue is privileged and confidential, and no such officer, employee or agent shall knowingly communicate or allow to be communicated to any person not legally entitled thereto any such information, or allow any person not legally entitled to do so to inspect or have access to any statement or other writing containing such information.

Disclosure
of
information

(2) Any information referred to in subsection 1 that is obtained by any officer, employee or agent of the Ministry of Revenue in the administration of this Act may be communicated to any officer or employee of the Department of National Health and Welfare of the Government of Canada or of the Department of National Revenue of the Government of Canada, or of the Ministry of Treasury, Economics and Intergovernmental Affairs, or of the Ministry of Community and Social Services, or to any person or class of persons prescribed by the Lieutenant Governor in Council and approved by the Minister of National Health and Welfare of the Government of Canada who are administering a program of assistance payments similar in nature to the payments authorized under this Act.

(3) Notwithstanding any other Act or law, no officer, agent or employee of Her Majesty shall be required, in connection with any legal proceedings, to give evidence relating to any information that is privileged under subsection 1 or to produce any statement or other writing containing any such information.
Evidence and production of documents

(4) Subsections 1 and 3 do not apply in respect of proceedings relating to the administration or enforcement of this Act.
Application of subss. 1, 3

11. An increment shall not be assigned, charged, attached, anticipated or given as security, and any transaction purporting to assign, charge, attach, anticipate or give as security an increment is void.
Increment not assignable

12.—(1) Where an applicant or a beneficiary entitled to receive an increment dies, the Minister may pay any increment to which the applicant or beneficiary was entitled at his death to the executor or administrator of his estate or, if no executor or administrator is, in the opinion of the Minister, likely to be appointed or granted letters probate, to such applicant's or beneficiary's surviving spouse or to the person who appears to the Minister to be discharging the duties of executor or administrator of the deceased applicant's or beneficiary's estate, although not so constituted or appointed by the Surrogate Court.
Payment after death

(2) In the case of a beneficiary,

(a) for whom a committee or trustee is acting; or

(b) who, in the opinion of the Minister, is using or is likely to use his increment otherwise than for his own benefit, or is incapacitated or is incapable of handling his own affairs,

Where increment may be paid to a trustee, etc.

the Minister may appoint a person to act on behalf of the beneficiary, and the increment may be paid for the benefit of the beneficiary to the committee or trustee or to the person so appointed.

(3) A person acting for a beneficiary under subsection 2 is not entitled to any fee or other compensation or reward or to any reimbursement for any costs or expenses incurred by him.
Compensation

13. Where a deduction is made from an increment payable under this Act or from any payment under a Statute of Canada or of a province of Canada that is relevant in determining the income for the base calendar year of the person
Liability to Crown not to increase increment

to whom any increment may be paid under this Act, and the deduction is made by the Crown to reduce or discharge a liability to the Crown of the person, such person's entitlement under this Act shall not thereby be increased.

Production
of docu-
ments and
records to
Minister

14. The Minister may, for any purpose related to the administration or enforcement of this Act, by registered letter or by a demand served personally, require from any beneficiary, from the spouse of any beneficiary, or from any person, partnership, syndicate, trust or corporation holding any amount for or paying or liable to pay any amount to a beneficiary or to the spouse of a beneficiary, production or production on oath of any books, letters, accounts, invoices, statements (financial or otherwise) or other documents or information within such reasonable time as is stipulated therein.

Offence

15.—(1) Every person who,

- (a) knowingly, makes a false or misleading statement in an application or statement required or permitted by this Act, and who does so for the purpose of obtaining a payment of an increment under this Act to which he is not entitled or to which a person on whose behalf he is acting is not entitled;
- (b) knowingly, fails to disclose any information that is required to be disclosed and by reason thereof obtains a payment of an increment under this Act to which he is not entitled or to which the person on whose behalf he is acting is not entitled;
- (c) knowingly, converts to his own use a payment of an increment under this Act to which he is not entitled; or
- (d) contravenes section 10 or 14,

is guilty of an offence and on summary conviction is liable to a fine of not less than \$50 and not more than \$300 for each offence.

Information
may be for
more than
one offence

(2) An information in respect of an offence under this Act may be for one or more than one offence, and no information, warrant, conviction or other proceeding in a prosecution under this Act is objectionable or insufficient by reason of the fact that it relates to two or more offences.

Limitation

(3) An information in respect of an offence under this Act shall be laid within five years of the time when the offence was committed.

16.—(1) The Minister may make regulations prescribing Regulations any form, notification or statement to be prescribed or that is required by this Act or that, in his opinion, will assist in the administration of this Act, and prescribing how and by whom any form, notification or statement shall be completed and what information it shall contain.

(2) The Lieutenant Governor in Council may make regu-Idem lations respecting any matter necessary or advisable to carry out effectively the intent and purpose of this Act, and without limiting the generality of the foregoing, may make regulations,

- (a) prescribing the amount of the guaranteed income limit;
- (b) prescribing the evidence to be furnished to the Minister to establish facts relevant to the entitlement of any person to receive an increment and to establish the amount of such increment;
- (c) authorizing a designated officer or class of officers employed by the Government of Ontario to exercise powers or perform duties of the Minister under this Act;
- (d) prescribing amounts that may be included in or excluded from defined income or income for the base calendar year;
- (e) defining intervals of absence from Ontario that shall be deemed not to have interrupted residence in Ontario;
- (f) providing for the suspension of payment of an increment during any investigation into the eligibility of a beneficiary, and the reinstatement or resumption of the payment thereof;
- (g) prescribing the manner in which any amount required by this Act to be deducted and retained out of any increment shall be so deducted and retained;
- (h) providing for the making of any application, statement or notification, or the doing of any other act or thing required or permitted by this Act, by any person or agency, and for the payment of a benefit to any person or agency on behalf of any other person or beneficiary where it is established, in such manner and by such evidence as may be prescribed, that such other person or beneficiary is, by reason of

infirmity, illness, insanity or other cause, incapable of managing his own affairs, and prescribing the manner in which any increment authorized to be paid to any such person or agency shall be administered and expended for the benefit of the beneficiary and accounted for;

- (i) fixing a date, other than the 1st day of April, for the commencement of a fiscal year for the purposes of this Act, and extending or abridging the period of any fiscal year, current fiscal year or previous fiscal year to provide for the orderly transition to the prescribed fiscal year from the fiscal year in effect prior to the prescribing of a different fiscal year under this clause;
- (j) defining the meaning of private pension income for the purposes of this Act and the regulations; and
- (k) prescribing, for the purposes of clause *h* of section 1, an age that is less than sixty-five years of age.

Idem

- (3) A regulation is, if it so provides, effective with reference to a period before it was filed.

Moneys

17. The moneys required for the purposes of this Act shall, from the 1st day of July, 1974 until the 31st day of March, 1975, be paid out of the Consolidated Revenue Fund and thereafter shall be paid out of the moneys appropriated therefor by the Legislature.

Transitional provisions

18. Notwithstanding any other provision of this Act,

- (a) every person who is an eligible person within the meaning of subclause i of clause *h* of section 1 is deemed to have applied for an increment in the month of June, 1974, to have had his application approved in that month, and to have furnished to the Minister the information that has been furnished to the Minister of National Health and Welfare with respect to the fiscal year commencing on the 1st day of April, 1974; and
- (b) where a beneficiary is, on the 1st day of July, 1974, an eligible person within the meaning of subclause ii or iii of clause *h* of section 1 and is a person whose application is received by the Minister prior to the 1st day of August, 1975, the approval of his application may be effective as of a date that is not earlier than the 30th day of June, 1974,

and where the application of a person described in clause *a* or *b* is deemed to be approved in the month of June, 1974 or is approved as of the 30th day of June, 1974, the person may be paid an increment for the month of July, 1974.

19. This Act comes into force on the day it receives Royal ^{Commence-}Assent._{ment}

20. This Act may be cited as *The Ontario Guaranteed* ^{Short title}
Annual Income Act, 1974.

An Act to ensure a
Guaranteed Annual Income
to Ontario Residents Sixty-five
Years of Age and over

1st Reading

June 14th, 1974

2nd Reading

June 20th, 1974

3rd Reading

June 27th, 1974

THE HON. J. WHITE
Treasurer of Ontario and Minister of
Economics and Intergovernmental
Affairs

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-B 56

Publications

BILL 97

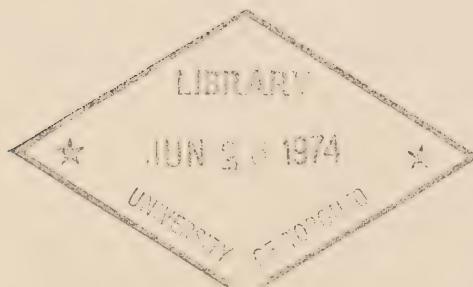
Government Bill

4TH SESSION, 29TH LEGISLATURE, ONTARIO
23 ELIZABETH II, 1974

legislative Assembly

**An Act to amend
The Municipal Franchises Act**

THE HON. J. WHITE
Treasurer of Ontario and Minister of Economics
and Intergovernmental Affairs



EXPLANATORY NOTE

The amendment includes rights related to the transmission of gas among the types of rights for the renewal or extension of which application may be made to the Ontario Energy Board.

BILL 97

1974

An Act to amend The Municipal Franchises Act

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Subsection 1 of section 10 of *The Municipal Franchises Act*, being chapter 289 of the Revised Statutes of Ontario, 1970, is amended by inserting after "term" in the first line "of a right referred to in clause *a*, *b* or *c* of subsection 1 of section 6 that is related to gas or", so that the subsection shall read as follows:

(1) Where the term of a right referred to in clause *a*, *b* or *c* of subsection 1 of section 6 that is related to gas or of a right to operate works for the distribution of gas or to supply gas to a municipal corporation or to the inhabitants of a municipality has expired or will expire within one year, either the municipality or the party having the right may apply to the Ontario Energy Board for an order for a renewal of or an extension of the term of the right.

2. This Act comes into force on the day it receives Royal Assent.
3. This Act may be cited as *The Municipal Franchises Amendment Act, 1974*.

An Act to amend
The Municipal Franchises Act

1st Reading

June 14th, 1974

2nd Reading

3rd Reading

THE HON. J. WHITE
Treasurer of Ontario and
Minister of Economics and
Intergovernmental Affairs

(Government Bill)

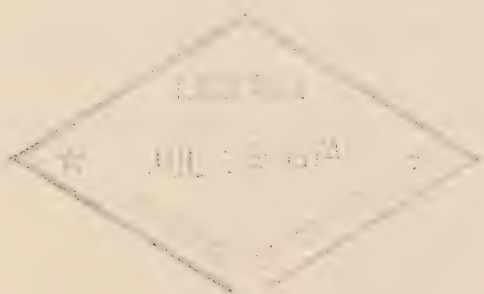
BILL 97

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Publications

4TH SESSION, 29TH LEGISLATURE, ONTARIO
23 ELIZABETH II, 1974

**An Act to amend
The Municipal Franchises Act**

THE HON. J. WHITE
Treasurer of Ontario and Minister of Economics
and Intergovernmental Affairs



BILL 97

1974

An Act to amend The Municipal Franchises Act

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Subsection 1 of section 10 of *The Municipal Franchises Act*, being chapter 289 of the Revised Statutes of Ontario, 1970, is amended by inserting after "term" in the first line "of a right referred to in clause *a*, *b* or *c* of subsection 1 of section 6 that is related to gas or", so that the subsection shall read as follows:

(1) Where the term of a right referred to in clause *a*, *b* or *c* of subsection 1 of section 6 that is related to gas or of a right to operate works for the distribution of gas or to supply gas to a municipal corporation or to the inhabitants of a municipality has expired or will expire within one year, either the municipality or the party having the right may apply to the Ontario Energy Board for an order for a renewal of or an extension of the term of the right.

2. This Act comes into force on the day it receives Royal Assent.
3. This Act may be cited as *The Municipal Franchises Amendment Act, 1974*.

An Act to amend
The Municipal Franchises Act

1st Reading

June 14th, 1974

2nd Reading

June 26th, 1974

3rd Reading

June 26th, 1974

THE HON. J. WHITE
Treasurer of Ontario and
Minister of Economics and
Intergovernmental Affairs

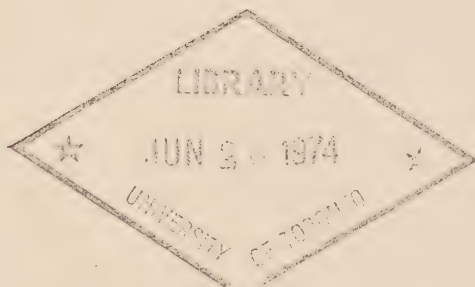
BILL 98**Government Bill**

4TH SESSION, 29TH LEGISLATURE, ONTARIO
23 ELIZABETH II, 1974

Legislative Assembly

**An Act to amend
The Regional Municipality of Waterloo Act, 1972**

THE HON. J. WHITE
Treasurer of Ontario and Minister of Economics
and Intergovernmental Affairs



TORONTO

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EXPLANATORY NOTE

Presently, two members of the Waterloo city council, elected by the council, sit on the Regional Council. The amendment provides that the two council members receiving the greatest number of votes at the last election will sit on the Regional Council. If one or both decline then the members receiving the next greatest number of votes, in declining order, become eligible to sit on the Council.

BILL 98

1974

**An Act to amend
The Regional Municipality of Waterloo Act, 1972**

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Clause *d* of subsection 1 of section 8 of *The Regional Municipality of Waterloo Act, 1972*, being chapter 105, is <sup>s. 8 (1) (d),
re-enacted</sup> repealed and the following substituted therefor:

(d) two members of the council of the area municipality of the City of Waterloo who, at the election for members of council next preceding the organization of the Regional Council, in any year received the highest number of votes, and in the event that either or both of such members decline to accept membership on the Regional Council, the members of the council of such area municipality receiving the next highest number of votes in declining order shall be entitled to be a member or members of the Regional Council.
2. This Act comes into force on the day it receives Royal ^{Commence-} Assent._{ment}
3. This Act may be cited as *The Regional Municipality of Waterloo Amendment Act, 1974*. ^{Short title}

An Act to amend
The Regional Municipality of
Waterloo Act, 1972

1st Reading

June 14th, 1974

2nd Reading

3rd Reading

THE HON. J. WHITE
Treasurer of Ontario and
Minister of Economics and
Intergovernmental Affairs

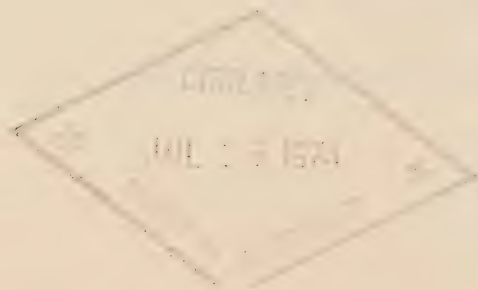
(Government Bill)

BILL 98

4TH SESSION, 29TH LEGISLATURE, ONTARIO
23 ELIZABETH II, 1974

**An Act to amend
The Regional Municipality of Waterloo Act, 1972**

THE HON. J. WHITE
Treasurer of Ontario and Minister of Economics
and Intergovernmental Affairs



BILL 98

1974

**An Act to amend
The Regional Municipality of Waterloo Act, 1972**

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Clause *d* of subsection 1 of section 8 of *The Regional Municipality of Waterloo Act, 1972*, being chapter 105, is ^{s. 8 (1) (d), re-enacted} repealed and the following substituted therefor:

(*d*) two members of the council of the area municipality of the City of Waterloo who, at the election for members of council next preceding the organization of the Regional Council, in any year received the highest number of votes, and in the event that either or both of such members decline to accept membership on the Regional Council, the members of the council of such area municipality receiving the next highest number of votes in declining order shall be entitled to be a member or members of the Regional Council.

2. This Act comes into force on the day it receives Royal ^{Commence-}Assent._{ment}
3. This Act may be cited as *The Regional Municipality of Waterloo Amendment Act, 1974*. ^{Short title}

BILL 98

An Act to amend
The Regional Municipality of
Waterloo Act, 1972

1st Reading

June 14th, 1974

2nd Reading

June 20th, 1974

3rd Reading

June 21st, 1974

THE HON. J. WHITE
Treasurer of Ontario and
Minister of Economics and
Intergovernmental Affairs

4TH SESSION, 29TH LEGISLATURE, ONTARIO
23 ELIZABETH II, 1974

Legislative Assembly

**An Act to amend
The City of the Lakehead Act, 1968-69**

THE HON. J. WHITE
Treasurer of Ontario and Minister of Economics
and Intergovernmental Affairs



TORONTO

PRINTED BY J. C. THATCHER, QUEEN'S PRINTER FOR ONTARIO

EXPLANATORY NOTES

SECTION 1. The title of the Act is amended to conform to the name of the City as established by the Minister following a vote of the electors.

SECTION 2. The amendment retains the present ward structure for the purposes of the 1974 elections. In 1975, the council of the City is required to apply to the Municipal Board to either confirm or vary the ward structure.

SECTION 3. The effect of the re-enactment is to carry forward for the purposes of the 1974 elections certain residence qualifications for aldermen.

**An Act to amend
The City of the Lakehead Act, 1968-69**

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. The long title to *The City of the Lakehead Act, 1968-69*, ^{Long title re-enacted} being chapter 56, is repealed and the following substituted therefor:

“An Act to incorporate the City of Thunder Bay”

2. Section 3 of the said Act, as amended by the Statutes of ^{s. 3, amended} Ontario, 1972, chapter 36, section 1, is further amended by adding thereto the following subsections:

(5a) Notwithstanding subsection 5, the wards described therein shall be continued for the election to be held in the year 1974, and the council of the City shall, in the year 1975, apply to the Ontario Municipal Board for confirmation of the said ward system or for the establishment in the City of such other system for the election of persons to the council as the council considers suitable. ^{Wards continued for 1974 election}

(5b) The Ontario Municipal Board may, notwithstanding ^{Powers of O.M.B. R.S.O. 1970, c. 284} *The Municipal Act*, establish such system for the election of persons to the council of the City as the Municipal Board in its discretion considers suitable.

3. Subsections 2 and 3 of section 4 of the said Act are ^{s. 4 (2), re-enacted s. 4 (3), repealed} repealed and the following substituted therefor:

(2) Twelve aldermen shall be elected by a general vote of the electors of the City and the electors in the year 1974 shall vote to elect, ^{Election of aldermen}

- (a) five aldermen whose principal residences are, at the commencement of the nomination period, in Fort William Ward;

- (b) five aldermen whose principal residences are, at the commencement of the nomination period, in Port Arthur Ward;
- (c) one alderman whose principal place of residence is, at the commencement of the nomination period, in McIntyre Ward; and
- (d) one alderman whose principal place of residence is, at the commencement of the nomination period, in Neebing Ward.

s. 7,
amended

4. Section 7 of the said Act is amended by adding thereto the following subsection:

Fort William
Board of Park
Management
dissolved

(1a) The Board of Park Management of the City of Fort William is hereby deemed to have been dissolved on the 1st day of January, 1970, and all the assets and liabilities of such board vested on that date in the City without compensation.

s. 14 (1),
amended

- 5.—(1) Subsection 1 of section 14 of the said Act is amended by striking out “and 1973” in the second line and inserting in lieu thereof “1973, 1974, 1975, 1976 and 1977”.

s. 14 (2),
amended

- (2) Subsection 2 of the said section 14 is amended by striking out “and 1973” in the second line and inserting in lieu thereof “1973, 1974, 1975, 1976 and 1977”.

s. 24a,
enacted

6. The said Act is amended by adding thereto the following section:

Exhibition
property
liable to
taxation
when
occupied
by tenant

24a. Notwithstanding the provisions of any general or special Act, the property of the Canadian Lakehead Exhibition Society, Fort William-Port Arthur, situate in the City and bounded on the north by Isabel Street, on the east by the Fort William Road, on the south by the McIntyre River and on the west by Memorial Avenue, shall, when in occupation by a tenant, be liable to municipal taxation, including business taxes.

s. 27,
re-enacted

7. Section 27 of the said Act is repealed and the following substituted therefor:

Short title

27. This Act may be cited as *The City of Thunder Bay Act, 1968-69*.

SECTION 4. The dissolution of this Board was overlooked in the original legislation. The amendment deems it to have been dissolved on January 1st, 1970, being the same date on which similar boards were dissolved.

SECTION 5. The effect of the amendments is to continue until 1977 the requirement that lower rates of taxation be imposed in McIntyre and Neebing Wards.

SECTION 6. Self-explanatory.

SECTION 7. Complementary to section 1 of the Bill in relation to the proper name of the City.

8. This Act comes into force on the day it receives Royal ^{Commence-}
Assent. _{ment}
9. This Act may be cited as *The City of the Lakehead Amend-* ^{Short title}
ment Act, 1974.

BILL 99

An Act to amend
The City of the Lakehead
Act, 1968-69

1st Reading

June 14th, 1974

2nd Reading

3rd Reading

THE HON. J. WHITE
Treasurer of Ontario and
Minister of Economics and
Intergovernmental Affairs

(Government Bill)

BILL 99

4TH SESSION, 29TH LEGISLATURE, ONTARIO
23 ELIZABETH II, 1974

**An Act to amend
The City of The Lakehead Act, 1968-69**

THE HON. J. WHITE
Treasurer of Ontario and Minister of Economics
and Intergovernmental Affairs



An Act to amend The City of The Lakehead Act, 1968-69

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. The long title to *The City of The Lakehead Act, 1968-69*, ^{Long title re-enacted} being chapter 56, is repealed and the following substituted therefor:

“An Act to incorporate the City of Thunder Bay”

2. Section 3 of the said Act, as amended by the Statutes of ^{s. 3, amended} Ontario, 1972, chapter 36, section 1, is further amended by adding thereto the following subsections:

(5a) Notwithstanding subsection 5, the wards described ^{Wards continued for 1974 election} therein shall be continued for the election to be held in the year 1974, and the council of the City shall, in the year 1975, apply to the Ontario Municipal Board for confirmation of the said ward system or for the establishment in the City of such other system for the election of persons to the council as the council considers suitable.

(5b) The Ontario Municipal Board may, notwithstanding ^{Powers of O.M.B. R.S.O. 1970, c. 284} *The Municipal Act*, establish such system for the election of persons to the council of the City as the Municipal Board in its discretion considers suitable.

3. Subsections 2 and 3 of section 4 of the said Act are ^{s. 4 (2), re-enacted s. 4 (3), repealed} repealed and the following substituted therefor:

(2) Twelve aldermen shall be elected by a general vote ^{Election of aldermen} of the electors of the City and the electors in the year 1974 shall vote to elect,

- (a) five aldermen whose principal residences are, at the commencement of the nomination period, in Fort William Ward;

- (b) five aldermen whose principal residences are, at the commencement of the nomination period, in Port Arthur Ward;
- (c) one alderman whose principal place of residence is, at the commencement of the nomination period, in McIntyre Ward; and
- (d) one alderman whose principal place of residence is, at the commencement of the nomination period, in Neebing Ward.

s. 7.
amended

4. Section 7 of the said Act is amended by adding thereto the following subsection:

Fort William
Board of Park
Management
dissolved

(1a) The Board of Park Management of the City of Fort William is hereby deemed to have been dissolved on the 1st day of January, 1970, and all the assets and liabilities of such board vested on that date in the City without compensation.

s. 14 (1),
amended

- 5.—(1) Subsection 1 of section 14 of the said Act is amended by striking out “and 1973” in the second line and inserting in lieu thereof “1973, 1974, 1975, 1976 and 1977”.

s. 14 (2),
amended

(2) Subsection 2 of the said section 14 is amended by striking out “and 1973” in the second line and inserting in lieu thereof “1973, 1974, 1975, 1976 and 1977”.

s. 24a,
enacted

6. The said Act is amended by adding thereto the following section:

Exhibition
property
liable to
taxation
when
occupied
by tenant

24a. Notwithstanding the provisions of any general or special Act, the property of the Canadian Lakehead Exhibition Society, Fort William-Port Arthur, situate in the City and bounded on the north by Isabel Street, on the east by the Fort William Road, on the south by the McIntyre River and on the west by Memorial Avenue, shall, when in occupation by a tenant, be liable to municipal taxation, including business taxes.

s. 27,
re-enacted

7. Section 27 of the said Act is repealed and the following substituted therefor:

Short title

27. This Act may be cited as *The City of Thunder Bay Act, 1968-69*.

8. This Act comes into force on the day it receives Royal ^{Commence-}Assent._{ment}
9. This Act may be cited as *The City of The Lakehead Amendment Act, 1974*. ^{Short title}



An Act to amend
The City of The Lakehead
Act, 1968-69

1st Reading

June 14th, 1974

2nd Reading

June 24th, 1974

3rd Reading

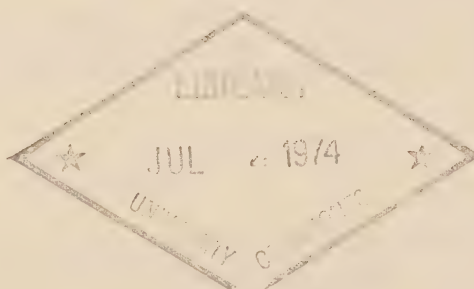
June 24th, 1974

THE HON. J. WHITE
Treasurer of Ontario and
Minister of Economics and
Intergovernmental Affairs

4TH SESSION, 29TH LEGISLATURE, ONTARIO
23 ELIZABETH II, 1974

An Act to amend The Health Insurance Act, 1972

THE HON. F. S. MILLER
Minister of Health



TORONTO

PRINTED BY J. C. THATCHER, QUEEN'S PRINTER FOR ONTARIO

EXPLANATORY NOTES

SECTION 1. The purpose of the amendment is to provide that the Minister of Health will represent the Government of Ontario in respect of the agreement with the Government of Canada referred to in section 3 (1) of the Act.

SECTION 2. The amendments provide for the appointment of two persons who are not physicians or practitioners to membership on the Medical Review Committee and for the payment of the administrative expenses of the Committee.

BILL 100

1974

An Act to amend The Health Insurance Act, 1972

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Subsection 1 of section 3 of *The Health Insurance Act*, <sup>s. 3 (1),
amended</sup> 1972, being chapter 91, is amended by striking out "Treasurer of Ontario" in the second line and inserting in lieu thereof "Minister".

- 2.—(1) Subsection 1 of section 5 of the said Act is repealed <sup>s. 5 (1),
re-enacted</sup> and the following substituted therefor:

(1) The Medical Review Committee established by *The Health Services Insurance Act* is continued as a committee of the College of Physicians and Surgeons consisting of,

<sup>Medical
Review
Committee
R.S.O. 1970,
c. 200</sup>

- (a) not more than six members appointed by the Minister from among the persons nominated for such purpose by the College of Physicians and Surgeons; and

- (b) two members who are not physicians or practitioners, appointed by the Minister.

(1a) Three members of the Medical Review Committee, ^{Quorum} one of whom shall be a member who is not a physician or practitioner, constitute a quorum of the Committee.

- (2) The said section 5 is amended by adding thereto <sup>s. 5,
amended</sup> the following subsection:

(2a) The Medical Review Committee shall be paid such amounts for the administration expenses of the Committee and the engaging of assistance for the Committee as may be approved by the Minister.

<sup>Administra-
tion expenses</sup>

s. 5a,
enacted

3. The said Act is amended by adding thereto the following section:

Practitioner Review Committees

Practitioner
review
committees

5a.—(1) The Minister shall appoint the following practitioner review committees:

R.S.O. 1970,
c. 70

1. A Chiropody Review Committee composed of two members who are not physicians or practitioners and three members from among the persons nominated by the Board of Regents appointed under *The Chiropody Act*.

R.S.O. 1970,
c. 137

2. A Chiropractic Review Committee composed of two members who are not physicians or practitioners and three members from among the persons nominated by the Board of Directors of Chiropractic appointed under *The Drugless Practitioners Act*.

3. A Dentistry Review Committee composed of two members who are not physicians or practitioners and three members from among the persons nominated by The Royal College of Dental Surgeons of Ontario.

4. An Optometry Review Committee composed of two members who are not physicians or practitioners and three members from among the persons nominated by the College of Optometrists of Ontario.

5. An Osteopathy Review Committee composed of two members who are not physicians or practitioners and three members from among the persons nominated by the Board of Directors of Osteopathy appointed under *The Drugless Practitioners Act*.

Quorum

(2) Three members of a practitioner review committee, one of whom shall be a member who is not a physician or practitioner, constitute a quorum of the committee.

Remunera-
tion

(3) The members of a practitioner review committee shall be paid such remuneration for their services, on an hourly basis, a daily basis or otherwise, as the Lieutenant Governor in Council determines.

Administra-
tion expenses

(4) Every practitioner review committee shall be paid such amounts for the expenses of the committee and the engaging of assistance for the committee as may be approved by the Minister.

SECTION 3. The amendment provides for practitioner review committees similar to the Medical Review Committee provided for in section 5 of the Act.

SECTION 4. The subsection is re-enacted to provide for premium assistance in establishing as well as in continuing entitlement to insured services.

SECTION 5. The amendment changes the method of counting employees to include all employees for the purpose of determining whether a mandatory group exists or may be created but continues to include in a mandatory group only employees who are residents of Ontario.

SECTION 6. Subsection 2 of section 22 of the Act is re-enacted to provide that the Medical Review Committee may recommend that the General Manager require and recover reimbursement of any overpayment by the Plan.

The new subsection 3 of section 22 of the Act provides for the referral of matters to practitioner review committees by the General Manager of the Plan as in the case of referrals to the Medical Review Committee.

The new subsection 4 of section 22 of the Act provides for deductions from amounts owing by the Plan to physicians and practitioners equal to amounts previously overpaid.

(5) No member of a practitioner review committee shall be employed in the public service of Ontario or by any agency of the Crown. ^{Qualifications of members}

(6) Every practitioner review committee shall make recommendations to the General Manager on any matter referred to it under section 22 and shall make reports and recommendations respecting any matter referred to it by this Act or the regulations or by the Minister or the Appeal Board and shall perform such other duties as are assigned to it by this Act or the regulations. ^{Duties}

4. Subsection 2 of section 14 of the said Act is repealed and the following substituted therefor: ^{s. 14 (2), re-enacted}

(2) A resident who is unable to make payment of his premiums due to unemployment, illness, disability or financial hardship may apply to the General Manager for assistance in establishing or continuing his entitlement to insured services and, subject to section 24, the General Manager may direct that the applicant be relieved of the payment of the whole or any part of his premium during his unemployment, illness, disability or financial hardship. ^{Application for temporary assistance}

5. Subsections 1 and 2 of section 15 of the said Act are repealed and the following substituted therefor: ^{s. 15 (1, 2), re-enacted}

(1) In this section, "employees" includes the employer of the employees if the employer is an individual or a member of a partnership. ^{Interpretation}

(2) Where the number of employees of an employer totals fifteen or more, the employees who are residents of Ontario are a mandatory group. ^{Mandatory group}

(2a) Where the number of employees of an employer totals more than five but fewer than fifteen, the General Manager may upon application therefor designate the employees who are residents of Ontario as a mandatory group. ^{Voluntary creation of mandatory group}

- 6.—(1) Subsection 2 of section 22 of the said Act is repealed and the following substituted therefor: ^{s. 22 (2), re-enacted}

(2) Notwithstanding any action taken by the General Manager under subsection 1, where, in respect of insured services rendered by a physician, it appears to the General Manager on reasonable grounds that, ^{Refusal or reduction of claims}

- (a) all or part of the insured services were not in fact rendered;

- (b) all or part of such services were not medically necessary;
- (c) all or part of such services were not provided in accordance with accepted professional standards and practice; or
- (d) the nature of the services is misrepresented,

the General Manager shall refer the matter to the Medical Review Committee and the Medical Review Committee may recommend to the General Manager that he pay, or refuse or reduce payment of, or require and recover reimbursement of any overpayment of, the amount otherwise payable and, subject to sections 24 to 28, the General Manager shall carry out the recommendations of the Committee.

s. 22,
amended

- (2) The said section 22 is amended by adding thereto the following subsection:

Idem

(3) Notwithstanding any action taken by the General Manager under subsection 1, where, in respect of insured services rendered by a practitioner who is engaged in the practice of a health discipline in respect of which a practitioner review committee has been appointed under this Act, it appears to the General Manager on reasonable grounds that,

- (a) all or part of the insured services were not in fact rendered;
- (b) all or part of such services were not therapeutically necessary;
- (c) all or part of such services were not provided in accordance with accepted professional standards and practice; or
- (d) the nature of the services is misrepresented,

the General Manager shall refer the matter to the practitioner review committee appointed in respect of the health discipline in which the practitioner is engaged in practice and the practitioner review committee may recommend to the General Manager that he pay, or refuse or reduce payment of, or require and recover reimbursement of any overpayment of, the amount otherwise payable and, subject to sections 24 to 28, the General Manager shall carry out the recommendations of the committee.

SECTION 7. Section 24 (1) (c) of the Act requires the General Manager to serve notice on a claimant where the General Manager reduces the amount claimed for payment for an insured service. The amended clause will only require notice that a claim is reduced where the claim is reduced to an amount less than the amount payable by the Plan.

SECTION 8.—Subsection 1. Complementary to the new subsection 3 of section 22 of the Act.

Subsection 2. The first part of the amendment is the insertion of a reference to new subsection 3 of section 22 of the Act. The second part of the amendment is complementary to new subsection 3 of section 29 of the Act.

Subsection 3. The new subsection 3 of section 29 of the Act provides for the recovery of excess amounts paid on account of claims for accounts by physicians or practitioners who do not submit their accounts to the Plan.

- (3) The said section 22 is further amended by adding ^{s. 22, amended} thereto the following subsection:

(4) The General Manager may deduct from the amount ^{Deduction re over-} payable by the Plan to a physician or practitioner an ^{payment} amount that shall be retained by the Plan equal to the amount of any overpayment by the Plan to the physician or practitioner.

7. Clause *c* of subsection 1 of section 24 of the said Act is ^{s. 24 (1) (c), amended} amended by adding at the end thereof "to an amount less than the amount payable by the Plan".

- 8.—(1) Subsection 1 of section 29 of the said Act is amended ^{s. 29 (1), amended} by inserting after "2" in the third line "or 3".

- (2) Subsection 2 of the said section 29 is amended by ^{s. 29 (2), amended} inserting after "2" in the fourth line "or 3" and by striking out "and any amount of such difference or part thereof paid by the insured person is a debt due by the physician or practitioner to the insured person, recoverable in a court of competent jurisdiction" in the ninth, tenth, eleventh and twelfth lines.

- (3) The said section 29 is amended by adding thereto ^{s. 29, amended} the following subsection:

(3) Where the claim for an account of a physician ^{Recovery of excess payment} or practitioner referred to in subsection 2 is reduced by the General Manager on any of the grounds referred to in subsection 2 and an amount in excess of the amount to which the claim is reduced,

(a) is paid by the Plan to the insured person and by the insured person to the physician or practitioner and is not repaid by the physician or practitioner to the Plan; or

(b) is paid by the Plan to the insured person and,

(i) is not paid to the physician or practitioner,
or

(ii) is paid to the physician or practitioner and repaid to the insured person,

and is not repaid to the Plan,

the Minister may bring action in a court of competent jurisdiction to recover such excess amount with costs,

(c) in the circumstances set out in clause *a*, from the physician or practitioner; or

(d) in the circumstances set out in clause *b*, from the insured person.

s. 43 (1),
amended

9.—(1) Subsection 1 of section 43 of the said Act is amended by striking out “and practitioners” in the sixth and seventh lines.

s. 43,
amended

(2) The said section 43 is amended by adding thereto the following subsection:

(1a) The Minister, from among persons nominated for such purpose by a body referred to in section 5a that nominates persons for appointment to a practitioner review committee in respect of a health discipline, may appoint in writing practitioner and financial inspectors with the duty and power to inspect, examine and audit books, accounts, reports and records maintained in hospitals and health facilities, offices of practitioners and other health care facilities respecting patients who are receiving or who have received insured services provided by or at the direction of one or more practitioners engaged in the practice of the health discipline in respect of which the practitioner review committee has been appointed, and such practitioner and financial inspectors shall act only at the direction of such practitioner review committee.

s. 43 (2),
amended

(3) Subsection 2 of the said section 43 is amended by inserting after “medical” in the first line “or practitioner”.

s. 44 (1),
amended

10. Subsection 1 of section 44 of the said Act is amended by inserting after “Committee” in the first line “every practitioner review committee”.

s. 45,
amended

11. Section 45 of the said Act is amended by inserting after “Committee” in the first line “practitioner review committees”.

s. 48,
amended

12. Section 48 of the said Act is amended by striking out “or” at the end of clause *c*, by adding “or” at the end of clause *d* and by adding thereto the following clause:

(e) ceases to carry on its undertaking,

SECTION 9.—Subsection 1. Complementary to new subsection 1*a* of section 43 of the Act.

Subsection 2. The new subsection 1*a* of section 43 of the Act provides for the appointment of inspectors in relation to the practices of practitioners and is complementary to new section 5*a* of the Act.

Subsection 3. Complementary to new subsection 1*a* of section 43 of the Act.

SECTION 10. Complementary to new section 5*a* of the Act.

SECTION 11. Complementary to new section 5*a* of the Act.

SECTION 12. The amendment makes the directors of a corporation liable for payment of premiums that the corporation has failed to remit when the corporation ceases to carry on its undertaking.

SECTION 13. Complementary to new section 5a of the Act.

p. 1

- 13.** Clause s of section 51 of the said Act is amended by ^{s. 51 (s),} amending inserting after "Committee" in the second line "practitioner review committees".
- 14.**—(1) This Act, except subsections 1 and 3 of section 6, ^{Commence-}ment comes into force on the day it receives Royal Assent.
- (2) Subsections 1 and 3 of section 6 shall be deemed to ^{Idem} have come into force on the 1st day of April, 1972.
- 15.** This Act may be cited as *The Health Insurance Amend-* ^{Short title} *ment Act, 1974.*

An Act to amend
The Health Insurance Act, 1972

1st Reading

June 14th, 1974

2nd Reading

3rd Reading

THE HON. F. S. MILLER
Minister of Health

(Government Bill)

4TH SESSION, 29TH LEGISLATURE, ONTARIO
23 ELIZABETH II, 1974

An Act to amend The Health Insurance Act, 1972

THE HON. F. S. MILLER
Minister of Health

(Reprinted as amended by the Committee of the Whole House)

TORONTO

PRINTED BY J. C. THATCHER, QUEEN'S PRINTER FOR ONTARIO

EXPLANATORY NOTES

SECTION 1. The amendments provide for the appointment of two persons who are not physicians or practitioners to membership on the Medical Review Committee and for the payment of the administrative expenses of the Committee.

An Act to amend The Health Insurance Act, 1972

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

- 1.—(1) Subsection 1 of section 5 of *The Health Insurance Act, 1972*,<sup>s. 5 (1),
re-enacted</sup> being chapter 91, is repealed and the following substituted therefor:

(1) The Medical Review Committee established by *The Health Services Insurance Act* is continued as a committee of the College of Physicians and Surgeons consisting of,

- (a) not more than six members appointed by the Minister from among the persons nominated for such purpose by the College of Physicians and Surgeons; and
- (b) two members who are not physicians or practitioners, appointed by the Minister.

(1a) Three members of the Medical Review Committee,^{Quorum} one of whom shall be a member who is not a physician or practitioner, constitute a quorum of the Committee.

- (2) The said section 5 is amended by adding thereto<sup>s. 5,
amended</sup> the following subsection:

(2a) The Medical Review Committee shall be paid such<sup>Administration
expenses</sup> amounts for the administration expenses of the Committee and the engaging of assistance for the Committee as may be approved by the Minister.

2. The said Act is amended by adding thereto the following<sup>s. 5a,
enacted</sup> section:

PRACTITIONER REVIEW COMMITTEES

Practitioner
review
committees

5a.—(1) The Minister shall appoint the following practitioner review committees:

R.S.O. 1970,
c. 70

1. A Chiropractic Review Committee composed of two members who are not physicians or practitioners and three members from among the persons nominated by the Board of Regents appointed under *The Chiropractic Act*.

R.S.O. 1970,
c. 137

2. A Chiropractic Review Committee composed of two members who are not physicians or practitioners and three members from among the persons nominated by the Board of Directors of Chiropractic appointed under *The Drugless Practitioners Act*.

3. A Dentistry Review Committee composed of two members who are not physicians or practitioners and three members from among the persons nominated by The Royal College of Dental Surgeons of Ontario.

4. An Optometry Review Committee composed of two members who are not physicians or practitioners and three members from among the persons nominated by the College of Optometrists of Ontario.

5. An Osteopathy Review Committee composed of two members who are not physicians or practitioners and three members from among the persons nominated by the Board of Directors of Osteopathy appointed under *The Drugless Practitioners Act*.

Quorum

(2) Three members of a practitioner review committee, one of whom shall be a member who is not a physician or practitioner, constitute a quorum of the committee.

Remunera-
tion

(3) The members of a practitioner review committee shall be paid such remuneration for their services, on an hourly basis, a daily basis or otherwise, as the Lieutenant Governor in Council determines.

Administra-
tion expenses

(4) Every practitioner review committee shall be paid such amounts for the expenses of the committee and the engaging of assistance for the committee as may be approved by the Minister.

SECTION 2. The amendment provides for practitioner review committees similar to the Medical Review Committee provided for in section 5 of the Act.

SECTION 3. The subsection is re-enacted to provide for premium assistance in establishing as well as in continuing entitlement to insured services.

SECTION 4. The amendment changes the method of counting employees to include all employees for the purpose of determining whether a mandatory group exists or may be created but continues to include in a mandatory group only employees who are residents of Ontario.

SECTION 5. Subsection 2 of section 22 of the Act is re-enacted to provide that the Medical Review Committee may recommend that the General Manager require and recover reimbursement of any overpayment by the Plan.

The new subsection 3 of section 22 of the Act provides for the referral of matters to practitioner review committees by the General Manager of the Plan as in the case of referrals to the Medical Review Committee.

The new subsection 4 of section 22 of the Act provides for deductions from amounts owing by the Plan to physicians and practitioners equal to amounts previously overpaid.

(5) No member of a practitioner review committee shall be employed in the public service of Ontario or by any agency of the Crown. ^{Qualifications of members}

(6) Every practitioner review committee shall make recommendations to the General Manager on any matter referred to it under section 22 and shall make reports and recommendations respecting any matter referred to it by this Act or the regulations or by the Minister or the Appeal Board and shall perform such other duties as are assigned to it by this Act or the regulations. ^{Duties}

3. Subsection 2 of section 14 of the said Act is repealed and the following substituted therefor: ^{s. 14 (2), re-enacted}

(2) A resident who is unable to make payment of his premiums due to unemployment, illness, disability or financial hardship may apply to the General Manager for assistance in establishing or continuing his entitlement to insured services and, subject to section 24, the General Manager may direct that the applicant be relieved of the payment of the whole or any part of his premium during his unemployment, illness, disability or financial hardship. ^{Application for temporary assistance}

4. Subsections 1 and 2 of section 15 of the said Act are repealed and the following substituted therefor: ^{s. 15 (1, 2), re-enacted}

(1) In this section, "employees" includes the employer of the employees if the employer is an individual or a member of a partnership. ^{Interpretation}

(2) Where the number of employees of an employer totals fifteen or more, the employees who are residents of Ontario are a mandatory group. ^{Mandatory group}

(2a) Where the number of employees of an employer totals more than five but fewer than fifteen, the General Manager may upon application therefor designate the employees who are residents of Ontario as a mandatory group. ^{Voluntary creation of mandatory group}

5.—(1) Subsection 2 of section 22 of the said Act is repealed and the following substituted therefor: ^{s. 22 (2), re-enacted}

(2) Notwithstanding any action taken by the General Manager under subsection 1, where, in respect of insured services rendered by a physician, it appears to the General Manager on reasonable grounds that, ^{Refusal or reduction of claims}

(a) all or part of the insured services were not in fact rendered;

- (b) all or part of such services were not medically necessary;
- (c) all or part of such services were not provided in accordance with accepted professional standards and practice; or
- (d) the nature of the services is misrepresented,

the General Manager shall refer the matter to the Medical Review Committee and the Medical Review Committee may recommend to the General Manager that he pay, or refuse or reduce payment of, or require and recover reimbursement of any overpayment of, the amount otherwise payable and, subject to sections 24 to 28, the General Manager shall carry out the recommendations of the Committee.

s. 22.
amended

- (2) The said section 22 is amended by adding thereto the following subsection:

Idem

(3) Notwithstanding any action taken by the General Manager under subsection 1, where, in respect of insured services rendered by a practitioner who is engaged in the practice of a health discipline in respect of which a practitioner review committee has been appointed under this Act, it appears to the General Manager on reasonable grounds that,

- (a) all or part of the insured services were not in fact rendered;
- (b) all or part of such services were not therapeutically necessary;
- (c) all or part of such services were not provided in accordance with accepted professional standards and practice; or
- (d) the nature of the services is misrepresented,

the General Manager shall refer the matter to the practitioner review committee appointed in respect of the health discipline in which the practitioner is engaged in practice and the practitioner review committee may recommend to the General Manager that he pay, or refuse or reduce payment of, or require and recover reimbursement of any overpayment of, the amount otherwise payable and, subject to sections 24 to 28, the General Manager shall carry out the recommendations of the committee.

SECTION 6. Section 24 (1) (c) of the Act requires the General Manager to serve notice on a claimant where the General Manager reduces the amount claimed for payment for an insured service. The amended clause will only require notice that a claim is reduced where the claim is reduced to an amount less than the amount payable by the Plan.

SECTION 7.—Subsection 1. Complementary to the new subsection 3 of section 22 of the Act.

Subsection 2. The first part of the amendment is the insertion of a reference to new subsection 3 of section 22 of the Act. The second part of the amendment is complementary to new subsection 3 of section 29 of the Act.

Subsection 3. The new subsection 3 of section 29 of the Act provides for the recovery of excess amounts paid on account of claims for accounts by physicians or practitioners who do not submit their accounts to the Plan.

- (3) The said section 22 is further amended by adding ^{s. 22.} thereto the following subsection:

(4) The General Manager may deduct from the amount ^{Deduction} payable by the Plan to a physician or practitioner an ^{re over-} amount that shall be retained by the Plan equal to the ^{payment} amount of any overpayment by the Plan to the physician or practitioner.

6. Clause *c* of subsection 1 of section 24 of the said Act is ^{s. 24 (1) (c).} amended by adding at the end thereof "to an amount less than the amount payable by the Plan".

7. (1) Subsection 1 of section 29 of the said Act is ^{s. 29 (1).} amended by inserting after "2" in the third line "or 3".

- (2) Subsection 2 of the said section 29 is amended by ^{s. 29 (2).} inserting after "2" in the fourth line "or 3" and by striking out "and any amount of such difference or part thereof paid by the insured person is a debt due by the physician or practitioner to the insured person, recoverable in a court of competent jurisdiction" in the ninth, tenth, eleventh and twelfth lines.

- (3) The said section 29 is amended by adding thereto ^{s. 29.} the following subsection:

(3) Where the claim for an account of a physician ^{Recovery} or practitioner referred to in subsection 2 is reduced ^{of excess} by the General Manager on any of the grounds referred ^{payment} to in subsection 2 and an amount in excess of the amount to which the claim is reduced,

(a) is paid by the Plan to the insured person and by the insured person to the physician or practitioner and is not repaid by the physician or practitioner to the Plan; or

(b) is paid by the Plan to the insured person and,

(i) is not paid to the physician or practitioner,
or

(ii) is paid to the physician or practitioner and repaid to the insured person,

and is not repaid to the Plan,

the Minister may bring action in a court of competent jurisdiction to recover such excess amount with costs,

(c) in the circumstances set out in clause *a*, from the physician or practitioner; or

(d) in the circumstances set out in clause *b*, from the insured person.

s. 43 (1),
amended

8.—(1) Subsection 1 of section 43 of the said Act is amended by striking out “and practitioners” in the sixth and seventh lines.

s. 43.
amended

(2) The said section 43 is amended by adding thereto the following subsection:

(1a) The Minister, from among persons nominated for such purpose by a body referred to in section 5a that nominates persons for appointment to a practitioner review committee in respect of a health discipline, may appoint in writing practitioner and financial inspectors with the duty and power to inspect, examine and audit books, accounts, reports and records maintained in hospitals and health facilities, offices of practitioners and other health care facilities respecting patients who are receiving or who have received insured services provided by or at the direction of one or more practitioners engaged in the practice of the health discipline in respect of which the practitioner review committee has been appointed, and such practitioner and financial inspectors shall act only at the direction of such practitioner review committee.

s. 43 (2),
amended

(3) Subsection 2 of the said section 43 is amended by inserting after “medical” in the first line “or practitioner”.

s. 44 (1),
amended

9. Subsection 1 of section 44 of the said Act is amended by inserting after “Committee” in the first line “every practitioner review committee”.

s. 45,
amended

10. Section 45 of the said Act is amended by inserting after “Committee” in the first line “practitioner review committees”.

s. 48,
amended

11. Section 48 of the said Act is amended by striking out “or” at the end of clause *c*, by adding “or” at the end of clause *d* and by adding thereto the following clause:

(e) ceases to carry on its undertaking,

SECTION 8.—Subsection 1. Complementary to new subsection 1*a* of section 43 of the Act.

Subsection 2. The new subsection 1*a* of section 43 of the Act provides for the appointment of inspectors in relation to the practices of practitioners and is complementary to new section 5*a* of the Act.

Subsection 3. Complementary to new subsection 1*a* of section 43 of the Act.

SECTION 9. Complementary to new section 5*a* of the Act.

SECTION 10. Complementary to new section 5*a* of the Act.

SECTION 11. The amendment makes the directors of a corporation liable for payment of premiums that the corporation has failed to remit when the corporation ceases to carry on its undertaking.

SECTION 12. Complementary to new section 5*a* of the Act.

- 12.** Clause s of section 51 of the said Act is amended by ^{s. 51 (s),}_{amended} inserting after "Committee" in the second line "practitioner review committees".
- 13.**—(1) This Act, except subsections 1 and 3 of section 5, ^{Commence-}_{ment} comes into force on the day it receives Royal Assent.
- (2) Subsections 1 and 3 of section 5 shall be deemed to ^{Idem} have come into force on the 1st day of April, 1972.
- 14.** This Act may be cited as *The Health Insurance Amend-*^{Short title}_{ment Act, 1974.}

An Act to amend
The Health Insurance Act, 1972

1st Reading

June 14th, 1974

2nd Reading

June 27th, 1974

3rd Reading

THE HON. F. S. MILLER
Minister of Health

*(Reprinted as amended by the
Committee of the Whole House)*

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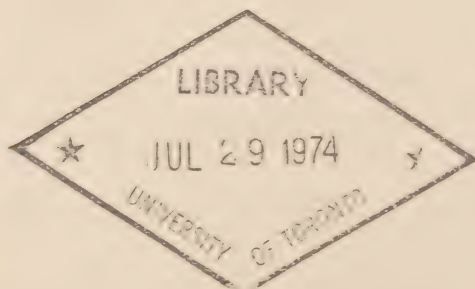
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4TH SESSION, 29TH LEGISLATURE, ONTARIO
23 ELIZABETH II, 1974

An Act to amend The Health Insurance Act, 1972

THE HON. F. S. MILLER
Minister of Health



TORONTO

PRINTED BY J. C. THATCHER, QUEEN'S PRINTER FOR ONTARIO

BILL 100

1974

An Act to amend The Health Insurance Act, 1972

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

- 1.—(1) Subsection 1 of section 5 of *The Health Insurance Act, 1972*, ^{s. 5 (1), re-enacted} being chapter 91, is repealed and the following substituted therefor:

(1) The Medical Review Committee established by *The Health Services Insurance Act* is continued as a committee of the College of Physicians and Surgeons consisting of,

- (a) not more than six members appointed by the Minister from among the persons nominated for such purpose by the College of Physicians and Surgeons; and
- (b) two members who are not physicians or practitioners, appointed by the Minister.

(1a) Three members of the Medical Review Committee, ^{Quorum} one of whom shall be a member who is not a physician or practitioner, constitute a quorum of the Committee.

- (2) The said section 5 is amended by adding thereto ^{s. 5, amended} the following subsection:

(2a) The Medical Review Committee shall be paid such ^{Administration expenses} amounts for the administration expenses of the Committee and the engaging of assistance for the Committee as may be approved by the Minister.

2. The said Act is amended by adding thereto the following ^{s. 5a, enacted} section:

PRACTITIONER REVIEW COMMITTEES

Practitioner
review
committees

5a.—(1) The Minister shall appoint the following practitioner review committees:

R.S.O. 1970,
c. 70

1. A Chiropody Review Committee composed of two members who are not physicians or practitioners and three members from among the persons nominated by the Board of Regents appointed under *The Chiropody Act*.

R.S.O. 1970,
c. 137

2. A Chiropractic Review Committee composed of two members who are not physicians or practitioners and three members from among the persons nominated by the Board of Directors of Chiropractic appointed under *The Drugless Practitioners Act*.

3. A Dentistry Review Committee composed of two members who are not physicians or practitioners and three members from among the persons nominated by The Royal College of Dental Surgeons of Ontario.

4. An Optometry Review Committee composed of two members who are not physicians or practitioners and three members from among the persons nominated by the College of Optometrists of Ontario.

5. An Osteopathy Review Committee composed of two members who are not physicians or practitioners and three members from among the persons nominated by the Board of Directors of Osteopathy appointed under *The Drugless Practitioners Act*.

Quorum

(2) Three members of a practitioner review committee, one of whom shall be a member who is not a physician or practitioner, constitute a quorum of the committee.

Remunera-
tion

(3) The members of a practitioner review committee shall be paid such remuneration for their services, on an hourly basis, a daily basis or otherwise, as the Lieutenant Governor in Council determines.

Administra-
tion expenses

(4) Every practitioner review committee shall be paid such amounts for the expenses of the committee and the engaging of assistance for the committee as may be approved by the Minister.

(5) No member of a practitioner review committee shall be employed in the public service of Ontario or by any agency of the Crown. ^{Qualifications of members}

(6) Every practitioner review committee shall make recommendations to the General Manager on any matter referred to it under section 22 and shall make reports and recommendations respecting any matter referred to it by this Act or the regulations or by the Minister or the Appeal Board and shall perform such other duties as are assigned to it by this Act or the regulations. ^{Duties}

3. Subsection 2 of section 14 of the said Act is repealed and the following substituted therefor: ^{s. 14 (2), re-enacted}

(2) A resident who is unable to make payment of his premiums due to unemployment, illness, disability or financial hardship may apply to the General Manager for assistance in establishing or continuing his entitlement to insured services and, subject to section 24, the General Manager may direct that the applicant be relieved of the payment of the whole or any part of his premium during his unemployment, illness, disability or financial hardship. ^{Application for temporary assistance}

4. Subsections 1 and 2 of section 15 of the said Act are repealed and the following substituted therefor: ^{s. 15 (1, 2), re-enacted}

(1) In this section, "employees" includes the employer of the employees if the employer is an individual or a member of a partnership. ^{Interpretation}

(2) Where the number of employees of an employer totals fifteen or more, the employees who are residents of Ontario are a mandatory group. ^{Mandatory group}

(2a) Where the number of employees of an employer totals more than five but fewer than fifteen, the General Manager may upon application therefor designate the employees who are residents of Ontario as a mandatory group. ^{Voluntary creation of mandatory group}

5.—(1) Subsection 2 of section 22 of the said Act is repealed and the following substituted therefor: ^{s. 22 (2), re-enacted}

(2) Notwithstanding any action taken by the General Manager under subsection 1, where, in respect of insured services rendered by a physician, it appears to the General Manager on reasonable grounds that, ^{Refusal or reduction of claims}

(a) all or part of the insured services were not in fact rendered;

- (b) all or part of such services were not medically necessary;
- (c) all or part of such services were not provided in accordance with accepted professional standards and practice; or
- (d) the nature of the services is misrepresented,

the General Manager shall refer the matter to the Medical Review Committee and the Medical Review Committee may recommend to the General Manager that he pay, or refuse or reduce payment of, or require and recover reimbursement of any overpayment of, the amount otherwise payable and, subject to sections 24 to 28, the General Manager shall carry out the recommendations of the Committee.

s. 22,
amended

- (2) The said section 22 is amended by adding thereto the following subsection:

Idem

(3) Notwithstanding any action taken by the General Manager under subsection 1, where, in respect of insured services rendered by a practitioner who is engaged in the practice of a health discipline in respect of which a practitioner review committee has been appointed under this Act, it appears to the General Manager on reasonable grounds that,

- (a) all or part of the insured services were not in fact rendered;
- (b) all or part of such services were not therapeutically necessary;
- (c) all or part of such services were not provided in accordance with accepted professional standards and practice; or
- (d) the nature of the services is misrepresented,

the General Manager shall refer the matter to the practitioner review committee appointed in respect of the health discipline in which the practitioner is engaged in practice and the practitioner review committee may recommend to the General Manager that he pay, or refuse or reduce payment of, or require and recover reimbursement of any overpayment of, the amount otherwise payable and, subject to sections 24 to 28, the General Manager shall carry out the recommendations of the committee.

- (3) The said section 22 is further amended by adding ^{s. 22, amended} thereto the following subsection:

(4) The General Manager may deduct from the amount ^{Deduction re over-} payable by the Plan to a physician or practitioner an ^{payment} amount that shall be retained by the Plan equal to the amount of any overpayment by the Plan to the physician or practitioner.

6. Clause *c* of subsection 1 of section 24 of the said Act is ^{s. 24 (1) (c), amended} amended by adding at the end thereof "to an amount less than the amount payable by the Plan".

7. (1) Subsection 1 of section 29 of the said Act is amended ^{s. 29 (1), amended} by inserting after "2" in the third line "or 3".

- (2) Subsection 2 of the said section 29 is amended by ^{s. 29 (2), amended} inserting after "2" in the fourth line "or 3" and by striking out "and any amount of such difference or part thereof paid by the insured person is a debt due by the physician or practitioner to the insured person, recoverable in a court of competent jurisdiction" in the ninth, tenth, eleventh and twelfth lines.

- (3) The said section 29 is amended by adding thereto ^{s. 29, amended} the following subsection:

(3) Where the claim for an account of a physician ^{Recovery of excess payment} or practitioner referred to in subsection 2 is reduced by the General Manager on any of the grounds referred to in subsection 2 and an amount in excess of the amount to which the claim is reduced,

(a) is paid by the Plan to the insured person and by the insured person to the physician or practitioner and is not repaid by the physician or practitioner to the Plan; or

(b) is paid by the Plan to the insured person and,

(i) is not paid to the physician or practitioner,
or

(ii) is paid to the physician or practitioner and repaid to the insured person,

and is not repaid to the Plan,

the Minister may bring action in a court of competent jurisdiction to recover such excess amount with costs,

(c) in the circumstances set out in clause *a*, from the physician or practitioner; or

(d) in the circumstances set out in clause *b*, from the insured person.

s. 43 (1),
amended

8.—(1) Subsection 1 of section 43 of the said Act is amended by striking out “and practitioners” in the sixth and seventh lines.

s. 43,
amended

(2) The said section 43 is amended by adding thereto the following subsection:

(1a) The Minister, from among persons nominated for such purpose by a body referred to in section 5a that nominates persons for appointment to a practitioner review committee in respect of a health discipline, may appoint in writing practitioner and financial inspectors with the duty and power to inspect, examine and audit books, accounts, reports and records maintained in hospitals and health facilities, offices of practitioners and other health care facilities respecting patients who are receiving or who have received insured services provided by or at the direction of one or more practitioners engaged in the practice of the health discipline in respect of which the practitioner review committee has been appointed, and such practitioner and financial inspectors shall act only at the direction of such practitioner review committee.

s. 43 (2),
amended

(3) Subsection 2 of the said section 43 is amended by inserting after “medical” in the first line “or practitioner”.

s. 44 (1),
amended

9. Subsection 1 of section 44 of the said Act is amended by inserting after “Committee” in the first line “every practitioner review committee”.

s. 45,
amended

10. Section 45 of the said Act is amended by inserting after “Committee” in the first line “practitioner review committees”.

s. 48,
amended

11. Section 48 of the said Act is amended by striking out “or” at the end of clause *c*, by adding “or” at the end of clause *d* and by adding thereto the following clause:

(e) ceases to carry on its undertaking,

- 12.** Clause s of section 51 of the said Act is amended by^{s. 51 (s),}
inserting after "Committee" in the second line "practitioner^{amended}
review committees".
- 13.**—(1) This Act, except subsections 1 and 3 of section 5,^{Commence-}
comes into force on the day it receives Royal Assent.^{ment}
- (2) Subsections 1 and 3 of section 5 shall be deemed to^{Idem}
have come into force on the 1st day of April, 1972.
- 14.** This Act may be cited as *The Health Insurance Amend-*^{Short title}
ment Act, 1974.

An Act to amend
The Health Insurance Act, 1972

1st Reading

June 14th, 1974

2nd Reading

June 27th, 1974

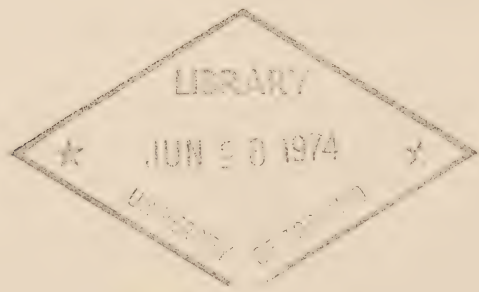
3rd Reading

June 28th, 1974

THE HON. F. S. MILLER
Minister of Health

An Act to amend The Public Health Act

THE HON. F. S. MILLER
Minister of Health



EXPLANATORY NOTES

SECTION 1. Self-explanatory.

SECTION 2. New sections 2*a*, 2*b* and 2*c* of the Act provide for:

1. The appointment of inspectors for the purposes of sections of the Act or all or any section of a regulation under the Act.
2. The making of inspections by inspectors appointed under the Act or employed by a local board of health where licensing or registration is required under the Act or the regulations.
3. Protection from personal liability without limiting the liability of the Crown for inspectors and Directors or other officers of the Ministry having authority or power to issue licences or make registrations or to direct an inspector to make an inspection under the Act.

An Act to amend The Public Health Act

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Section 1 of *The Public Health Act*, being chapter 377 of the Revised Statutes of Ontario, 1970, is amended by adding thereto the following clause:

(na) "Ministry" means the Ministry of Health.

2. The said Act is amended by adding thereto the following sections:

2a.—(1) The Minister may appoint in writing one or more employees of the Ministry or other persons as inspectors for the purposes of any section or portion of this Act or the whole or any portion or section of a regulation made under this Act that is referred to in the appointments and in an appointment may limit the authority of an inspector in such manner as the Minister considers necessary or advisable.

(2) The Minister shall issue to every inspector a certificate of his appointment and every inspector, in the execution of his duties under this Act and the regulations, shall produce his certificate of appointment upon request.

2b.—(1) An inspector appointed under section 2a or employed by a local board may at all reasonable times enter any business premises that are licensed or registered or the owner, user or operator of which is licensed or registered under this Act or the regulations to ensure that the provisions of this Act or the regulations to which his appointment or employment extends are complied with.

(2) Where a provincial judge is satisfied, upon an *ex parte* application by an inspector, that there is reasonable ground for believing that it is necessary to enter any institution, building or place, including a private residence, for the

administration of this Act or the regulations, the provincial judge may issue an order authorizing an inspector to enter therein or thereon and to make or require to be made such examinations, investigations and inquiries and to make, take and remove or require to be made, taken or removed samples, copies or extracts, but every such entry, examination, investigation, inquiry and making, taking and removing of samples, copies or extracts shall be carried out between sunrise and sunset unless the provincial judge authorizes the inspector, by the order, to so act at another time.

Director
or other
officer may
require
inspection

(3) Where a Director or other officer of the Ministry having authority or power to issue licences or make registrations under any section of this Act or the regulations has reasonable and probable grounds to believe that any person is acting or that any institution, building or place other than a private dwelling is being used without being licensed or registered as required by this Act or the regulations, the Director or other officer of the Ministry may direct an inspector to make an inspection and the inspector at any reasonable time may enter the institution, building or place other than a private dwelling to make an inspection for the purpose of determining whether or not any person is in contravention of any section of this Act or the regulations in respect of such licensing or registration.

Making of
copies

(4) Upon an inspection under this section, the inspector may upon giving a receipt therefor remove any material that relates to the purpose of the inspection for the purpose of making a copy thereof, provided that such copying is carried out with reasonable dispatch and the material in question is promptly thereafter returned to the person being inspected.

Admissi-
bility of
copies

(5) Any copy made as provided in subsection 3 and purporting to be certified by an inspector is admissible in evidence in any action, proceeding or prosecution as *prima facie* proof of the original.

Obstruction

(6) No person shall obstruct the inspector or withhold or destroy, conceal or refuse to furnish any information or thing required by the inspector for the purposes of the inspection.

Protection
from
personal
liability

2c.—(1) No action or other proceeding for damages shall be instituted against an inspector appointed under section 2a or a Director or other officer of the Ministry having authority or power to issue licences or make registrations or to direct an inspector to make an inspection under any section of this Act or the regulations or anyone acting under the direction of such Director or other officer of the Ministry or inspector appointed under section 2a for any

SECTION 3. Section 6 of the Act provides for the making of regulations. Paragraph 31 of section 6 is amended to provide authority to regulate "recreational" camps rather than "summer" camps.

SECTION 4. Subsections 2 and 3 are re-enacted to remove the provision that the medical officer of health is a member of a local board of health and to increase the number of resident ratepayers on the board.

Subsection 5 refers to a local board of health in a town having a population of less than 4,000 and subsection 6 refers to a local board of health in a township having a population of 4,000 or over.

SECTION 5. The re-enacted subsection 2 lowers the retirement age for a medical officer of health from seventy to sixty-five years of age and sets a maximum age limit of seventy years where a medical officer of health is continued in office by the municipal council from year to year after attaining the retirement age.

The repealed subsection 5 required the medical officer of health to make a sanitary inspection of all schools in his municipality annually and make a report to the Ministry.

SECTION 6. The amendments related to sections 45 to 45*g* of the Act provide for a proficiency testing program for laboratories. Owners and operators are required to participate in the program and to pay fees therefor.

Provision is made for designating by regulation an agency to carry out examinations and evaluations and for an agreement between the Minister and the agency as to the details of and payment for the work of the agency.

Where the performance of a test in a laboratory is reported as not up to standard, the Director may impose conditions on the licence for the laboratory with respect to the performance of the test; provision is made for hearings by the Licence Review Board with respect to the imposition of such conditions.

act done in good faith in the execution or intended execution of his duty or for any alleged neglect or default in the execution in good faith of his duty.

(2) Subsection 1 does not, by reason of subsections 2 and 4 of section 5 of *The Proceedings Against the Crown Act*,^{Crown not relieved of liability R.S.O. 1970, c. 365} relieve the Crown of liability in respect of a tort committed by an agent or servant of the Crown to which it would otherwise be subject and the Crown is liable under that Act for any such tort in a like manner as if subsection 1 had not been enacted.

3. Paragraph 31 of section 6 of the said Act is amended by striking out "summer" in the first line and inserting in lieu thereof "recreational".^{s. 6, par. 31, amended}

4. Subsections 2, 3, 5 and 6 of section 13 of the said Act are repealed and the following substituted therefor:^{s. 13 (2, 3), re-enacted s. 13 (5, 6), repealed}

(2) In a city and in every town having a population of 4,000 or over according to the enumeration of the assessors for the last preceding year, the local board shall consist of the mayor and four resident ratepayers to be appointed annually by the council at its first meeting in every year.^{in cities and in towns of 4,000 or over}

(3) In a city having a population of 100,000 or over according to the enumeration of the assessors for the last preceding year, the council may by by-law provide that the local board shall consist of the mayor and,^{in cities over 100,000}

(a) six resident ratepayers, at least two of whom are not members of the council; or

(b) eight resident ratepayers, at least three of whom are not members of the council.

5. Subsections 2 and 5 of section 40 of the said Act are repealed and the following substituted therefor:^{s. 40 (2), re-enacted s. 40 (5), repealed}

(2) Every medical officer of health shall cease to hold office upon attaining sixty-five years of age but the municipal council, with the approval of the Minister, may continue a medical officer of health in office from year to year until he attains the age of seventy years.

6. Section 45 of the said Act, as re-enacted by the Statutes of Ontario, 1972, chapter 80, section 4, and amended by 1973, chapter 130, section 1, is further amended by striking out "45n" in the first line and inserting in lieu thereof "45q".^{s. 45, amended}

s. 45*d*,
amended

7. Section 45*d* of the said Act, as enacted by the Statutes of Ontario, 1972, chapter 80, section 4, and amended by 1973, chapter 130, section 3, is further amended by adding thereto the following subsections:

Conditions
to
laboratory
licence

- (9*a*) It is a condition of a licence for a laboratory that,
- (*a*) the performance of tests in the laboratory meet the generally accepted standards of proficiency in such tests;
 - (*b*) the owner and the operator of the laboratory submit the performance of tests in the laboratory to examinations and evaluations of proficiency carried out by the agency designated in the regulations;
 - (*c*) the owner of the laboratory pay the fees prescribed by the regulations for the examinations and evaluations by the agency designated in the regulations of proficiency in the performance of tests in the laboratory.

Idem

- (9*b*) Where an agency designated in the regulations to examine and evaluate proficiency in the performance of tests, reports to the Director that the performance of a test in a laboratory does not meet the generally accepted standard of proficiency in the performance of the test, the Director may impose such conditions upon the licence in respect of the performance of the test in the laboratory as the Director considers necessary or advisable in order that the health of the public may be protected.

s. 45*f* (1),
re-enacted

8. Subsection 1 of section 45*f* of the said Act, as enacted by the Statutes of Ontario, 1972, chapter 80, section 4, is repealed and the following substituted therefor:

Proposal to
refuse to
issue,
revoke or
impose
condition

- (1) Where the Director proposes to revoke or to refuse to issue or renew a licence or to impose a condition on an existing licence under this Act, the Director shall serve notice of his proposal, together with written reasons therefor, on the applicant in the case of a proposal to refuse to issue or renew the licence and on the owner and operator in the case of a proposal to revoke or to impose a condition on the licence.

s. 45*n*,
amended

9. Section 45*n* of the said Act, as enacted by the Statutes of Ontario, 1972, chapter 80, section 4, and amended by 1973, chapter 130, section 7, is further amended by adding thereto the following clauses:

- (*o*) prescribing fees in respect of classes of tests for examinations and evaluations of proficiency in the performance of tests in laboratories;

SECTION 11. Section 87, which provides powers of entry and inspection of premises, is re-enacted to extend this authority to inspectors appointed under new section 2*a* of the Act and to provide a power to order closure of premises under the conditions set out in the section. New sections 87*a* to 87*d* provide for a hearing and an appeal upon an order under section 87 but the order is effective at and from the time it is served.

(p) designating an agency or agencies to carry out examinations and evaluations of proficiency in the performance of tests in laboratories.

10. The said Act is further amended by adding thereto the following sections: ss. 45o-45q, enacted

45o. The Minister may enter into an agreement with Agreement an agency or agencies designated in the regulations to provide for the examination and evaluation of the performance of tests in laboratories including the manner and frequency of such examinations and evaluations, the reports thereon and payment therefor.

45p. The Minister may establish a committee of not fewer Committee than five persons for the purpose of recommending to the Minister standards and procedures for the evaluation of proficiency in the performance of tests in laboratories.

45q. The moneys required for the administration of the Moneys program of examining and evaluating the performance of tests in laboratories shall, until the 31st day of March, 1975 and subject to the approval of the Lieutenant Governor in Council, be paid out of the Consolidated Revenue Fund and thereafter shall be paid out of the moneys appropriated therefor by the Legislature.

11. Section 87 of the said Act is repealed and the following sub- s. 87, re-enacted stituted therefor:

87.—(1) The medical officer of health of a municipality Inspection of premises or any inspector or other person in the employ of the local board acting under his instructions may enter any premises in the municipality, and an inspector appointed under section 2a may enter any premises, at all reasonable times and inspect and examine the premises for the purpose of carrying out this Act and may take such action as he considers necessary for carrying it out including, where he finds that a condition exists in or about the premises that,

- (a) is dangerous or is likely to become dangerous to health or safety; or
- (b) hinders or is likely to hinder the prevention, mitigation or suppression of disease,

the making of an order that the premises be closed and remain closed until the condition no longer exists in or about the premises, and any person in charge of the premises for the time being shall render such assistance as is necessary to make such entry, inspection and examination.

Form of
order closing
premises

- (2) An order closing premises under subsection 1,
- (a) shall be in writing and shall include written reasons for the order; and
 - (b) may be directed to the owner or a person in charge of the premises.

Revocation
of order

(3) The person who has issued an order closing premises pursuant to subsection 1 may by a further order revoke the order and in such case shall serve or cause to be served a copy of the order on the person to whom the order closing the premises was directed.

Interpre-
tation

R.S.O. 1970,
c. 20

87a.—(1) In this section and in sections 87b and 87c, “Board” means the Health Facilities Appeal Board established under *The Ambulance Act*.

Notice

(2) An order closing premises referred to in subsection 2 of section 87 shall inform the person to whom it is directed that the owner or the person in charge of the premises is entitled to a hearing by the Board if he mails or delivers to the person who made the order and to the Board, within fifteen days after a copy of the order is served on him, notice in writing requiring a hearing and he may so require such a hearing.

Effect of
order

(3) Notwithstanding that a hearing is required in respect of an order closing premises, the order is effective at and from the time it is served upon the person to whom it is directed and is further effective until revoked or as confirmed or varied or until rescinded as provided by subsection 4 and such person shall comply with the order immediately.

Powers of
Board

(4) Where the owner or the person in charge of the premises requires a hearing by the Board in accordance with subsection 2, the Board shall appoint a time and place for and hold the hearing and the Board may by order confirm, alter or rescind the order and for such purposes the Board may substitute its finding for that of the person who made the order closing the premises.

Extension of
time for
requiring
hearing

(5) The Board may extend the time for the giving of notice requiring a hearing by the owner or a person in charge of the premises under this section either before or after the expiration of such time where it is satisfied that there are *prima facie* grounds for granting relief to the owner or a person in charge of the premises pursuant to a hearing and that there are reasonable grounds for applying for the extension, and the Board may give such directions as it considers proper consequent upon the extension.

87b.—(1) The person who has made the order closing ^{Parties} the premises pursuant to section 87, the owner or person in charge of the premises who has required the hearing and such other persons as the Board may specify are parties to proceedings before the Board under this Act.

(2) Notice of a hearing under section 87a shall afford the ^{Notice of hearing} owner or person in charge of the premises a reasonable opportunity to show before the hearing that the condition referred to in section 87 does not exist or no longer exists in or about the premises.

(3) Any party to proceedings under section 87a shall be ^{Examination of documentary evidence} afforded an opportunity to examine before the hearing any written or documentary evidence that will be produced or any report the contents of which will be given in evidence at the hearing.

(4) Members of the Board holding a hearing shall not ^{Members holding hearing not to have taken part in investigation, etc.} have taken part before the hearing in any investigation or consideration of the subject-matter of the hearing and shall not communicate directly or indirectly in relation to the subject-matter of the hearing with any person or with any party or his representative except upon notice to and opportunity for all parties to participate, but the Board may seek legal advice from an adviser independent from the parties and in such case the nature of the advice shall be made known to the parties in order that they may make submissions as to the law.

(5) The oral evidence taken before the Board at a hearing ^{Recording of evidence} shall be recorded and, if so required, copies or a transcript thereof shall be furnished upon the same terms as in the Supreme Court.

(6) The findings of fact of the Board pursuant to a hearing ^{Findings of fact} shall be based exclusively on evidence admissible or matters that may be noticed under sections 15 and 16 of *The Statutory Powers Procedure Act, 1971*, c. 47.

(7) No member of the Board shall participate in a decision ^{Only members at hearing to participate in decision} of the Board pursuant to a hearing unless he was present throughout the hearing and heard the evidence and argument of the parties and, except with the consent of the parties, no decision of the Board shall be given unless all members so present participate in the decision.

(8) Documents and things put in evidence at a hearing ^{Release of documentary evidence} shall, upon the request of the person who produced them, be released to him by the Board within a reasonable time after the matter in issue has been finally determined.

Appeal to
court

87c.—(1) Any party to the proceedings before the Board may appeal from its decision or order to the Supreme Court in accordance with the rules of court.

Record to be
filed in court

(2) Where any party appeals from a decision or order of the Board, the Board shall forthwith file in the Supreme Court the record of the proceedings before it in which the decision was made, which, together with the transcript of evidence if it is not part of the Board's record, shall constitute the record in the appeal.

Minister
entitled to
be heard

(3) The Minister is entitled to be heard, by counsel or otherwise, upon the argument of an appeal under this section.

Powers of
court on
appeal

(4) An appeal under this section may be made on questions of law or fact or both and the court may affirm or may rescind the decision of the Board and may exercise all powers of the Board to confirm, alter or rescind the order closing the premises and to substitute its finding as to the condition of the premises for that of the person who made the order closing the premises as the court considers proper and for such purposes the court may substitute its opinion for that of the person who made the order closing the premises or of the Board, or the court may refer the matter back to the Board for rehearing, in whole or in part, in accordance with such directions as the court considers proper.

Service of
order or
notice

87d. Except where otherwise provided, any order or notice required by sections 87 to 87c to be served may be served personally or by registered mail addressed to the person to whom notice is to be given at his latest known address and, where the order or notice is served by registered mail, the service shall be deemed to have been made on the fifth day after the day of mailing unless the person to whom the order or notice is given establishes that he did not, acting in good faith, through absence, accident, illness or other cause beyond his control receive the order or notice until a later date.

s. 118 (2),
re-enacted

12. Subsection 2 of section 118 of the said Act is repealed and the following substituted therefor:

Other
offences

(2) Any person who contravenes any other provision of this Act or of the regulations for which no other penalty is provided or of any municipal by-law passed under this Act, or who wilfully disobeys or neglects to carry out any order or direction lawfully made or given by the Ministry, an inspector appointed under section 2a, a local board, medical officer of

SECTION 12. Subsection 2 of section 118 of the Act is re-enacted to include a reference to inspectors appointed by the Minister under new section 2*a* of the Act, to remove the minimum fine and increase the maximum fine from \$500 to \$2,000 or to imprisonment for not more than six months, or to both.

New subsection 2*a* of section 118 of the Act provides for a maximum penalty of \$5,000 where a corporation is convicted of an offence under subsection 2 of section 118 of the Act.

New subsection 2*b* of section 118 of the Act imposes liability upon directors of a corporation convicted of an offence under subsection 2 of section 118 of the Act and imposes liability upon officers, servants and agents of the corporation if they are responsible for the conduct that gave rise to the offence.

SECTION 13. Paragraph 29 provides penalties for contravention of the by-law contained in Schedule B. Section 118 (2) of the Act sets out the new penalty for such a contravention.

health or public health inspector, is guilty of an offence and on summary conviction is liable to a fine of not more than \$2,000 or to imprisonment for a term of not more than six months, or to both.

(2a) Where a corporation is convicted of an offence under subsection 2, the maximum penalty that may be imposed upon the corporation is \$25,000 and not as provided therein. Idem

(2b) Where a corporation has been convicted of an offence under subsection 2, Directors and officers

(a) each director of the corporation; and

(b) each officer, servant or agent of the corporation who was in whole or in part responsible for the conduct of that part of the business of the corporation that gave rise to the offence,

is a party to the offence unless he satisfies the court that he had no knowledge of any of the acts constituting the offence, and could not reasonably be expected to have had such knowledge and that he exercised reasonable diligence to prevent the commission of the offence.

13. Paragraph 29 of Schedule B to the said Act is repealed.

Sched. B,
par. 29,
repealed

14. This Act comes into force on a day to be named by proclamation of the Lieutenant Governor.

Commence-
ment

15. This Act may be cited as *The Public Health Amendment Act, 1974*.

Short title

An Act to amend
The Public Health Act

1st Reading

June 14th, 1974

2nd Reading

3rd Reading

THE HON. F. S. MILLER
Minister of Health

(Government Bill)

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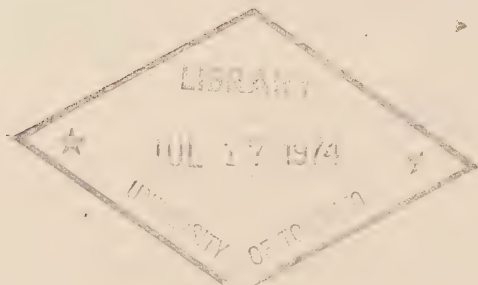
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4TH SESSION, 29TH LEGISLATURE, ONTARIO
23 ELIZABETH II, 1974

An Act to amend The Public Health Act

THE HON. F. S. MILLER
Minister of Health



TORONTO

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An Act to amend The Public Health Act

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Section 1 of *The Public Health Act*, being chapter 377 of the Revised Statutes of Ontario, 1970, is amended by adding thereto the following clause:

(na) "Ministry" means the Ministry of Health.

2. The said Act is amended by adding thereto the following sections:

2a.—(1) The Minister may appoint in writing one or more employees of the Ministry or other persons as inspectors for the purposes of any section or portion of this Act or the whole or any portion or section of a regulation made under this Act that is referred to in the appointments and in an appointment may limit the authority of an inspector in such manner as the Minister considers necessary or advisable.

(2) The Minister shall issue to every inspector a certificate of his appointment and every inspector, in the execution of his duties under this Act and the regulations, shall produce his certificate of appointment upon request.

2b.—(1) An inspector appointed under section 2a or employed by a local board may at all reasonable times enter any business premises that are licensed or registered or the owner, user or operator of which is licensed or registered under this Act or the regulations to ensure that the provisions of this Act or the regulations to which his appointment or employment extends are complied with.

(2) Where a provincial judge is satisfied, upon an *ex parte* application by an inspector, that there is reasonable ground for believing that it is necessary to enter any institution, building or place, including a private residence, for the

administration of this Act or the regulations, the provincial judge may issue an order authorizing an inspector to enter therein or thereon and to make or require to be made such examinations, investigations and inquiries and to make, take and remove or require to be made, taken or removed samples, copies or extracts, but every such entry, examination, investigation, inquiry and making, taking and removing of samples, copies or extracts shall be carried out between sunrise and sunset unless the provincial judge authorizes the inspector, by the order, to so act at another time.

Director
or other
officer may
require
inspection

(3) Where a Director or other officer of the Ministry having authority or power to issue licences or make registrations under any section of this Act or the regulations has reasonable and probable grounds to believe that any person is acting or that any institution, building or place other than a private dwelling is being used without being licensed or registered as required by this Act or the regulations, the Director or other officer of the Ministry may direct an inspector to make an inspection and the inspector at any reasonable time may enter the institution, building or place other than a private dwelling to make an inspection for the purpose of determining whether or not any person is in contravention of any section of this Act or the regulations in respect of such licensing or registration.

Making of
copies

(4) Upon an inspection under this section, the inspector may upon giving a receipt therefor remove any material that relates to the purpose of the inspection for the purpose of making a copy thereof, provided that such copying is carried out with reasonable dispatch and the material in question is promptly thereafter returned to the person being inspected.

Admissi-
bility of
copies

(5) Any copy made as provided in subsection 3 and purporting to be certified by an inspector is admissible in evidence in any action, proceeding or prosecution as *prima facie* proof of the original.

Obstruction

(6) No person shall obstruct the inspector or withhold or destroy, conceal or refuse to furnish any information or thing required by the inspector for the purposes of the inspection.

Protection
from
personal
liability

2c.—(1) No action or other proceeding for damages shall be instituted against an inspector appointed under section 2a or a Director or other officer of the Ministry having authority or power to issue licences or make registrations or to direct an inspector to make an inspection under any section of this Act or the regulations or anyone acting under the direction of such Director or other officer of the Ministry or inspector appointed under section 2a for any

act done in good faith in the execution or intended execution of his duty or for any alleged neglect or default in the execution in good faith of his duty.

(2) Subsection 1 does not, by reason of subsections 2 and 4 of section 5 of *The Proceedings Against the Crown Act*, relieve the Crown of liability in respect of a tort committed by an agent or servant of the Crown to which it would otherwise be subject and the Crown is liable under that Act for any such tort in a like manner as if subsection 1 had not been enacted. Crown not relieved of liability
R.S.O. 1970, c. 365

3. Paragraph 31 of section 6 of the said Act is amended by striking out "summer" in the first line and inserting in lieu thereof "recreational". s. 6, par. 31, amended

4. Subsections 2, 3, 5 and 6 of section 13 of the said Act are repealed and the following substituted therefor: s. 13 (2, 3), re-enacted
s. 13 (5, 6), repealed

(2) In a city and in every town having a population of 4,000 or over according to the enumeration of the assessors for the last preceding year, the local board shall consist of the mayor and four resident ratepayers to be appointed annually by the council at its first meeting in every year. in cities and in towns of 4,000 or over

(3) In a city having a population of 100,000 or over according to the enumeration of the assessors for the last preceding year, the council may by by-law provide that the local board shall consist of the mayor and, in cities over 100,000

(a) six resident ratepayers, at least two of whom are not members of the council; or

(b) eight resident ratepayers, at least three of whom are not members of the council.

5. Subsections 2 and 5 of section 40 of the said Act are repealed and the following substituted therefor: s. 40 (2), re-enacted
s. 40 (5), repealed

(2) Every medical officer of health shall cease to hold office upon attaining sixty-five years of age but the municipal council, with the approval of the Minister, may continue a medical officer of health in office from year to year until he attains the age of seventy years.

6. Section 45 of the said Act, as re-enacted by the Statutes of Ontario, 1972, chapter 80, section 4, and amended by 1973, chapter 130, section 1, is further amended by striking out "45n" in the first line and inserting in lieu thereof "45q". s. 45, amended

s. 45*d*,
amended

7. Section 45*d* of the said Act, as enacted by the Statutes of Ontario, 1972, chapter 80, section 4, and amended by 1973, chapter 130, section 3, is further amended by adding thereto the following subsections:

Conditions
to
laboratory
licence

(9*a*) It is a condition of a licence for a laboratory that,

- (*a*) the performance of tests in the laboratory meet the generally accepted standards of proficiency in such tests;
- (*b*) the owner and the operator of the laboratory submit the performance of tests in the laboratory to examinations and evaluations of proficiency carried out by the agency designated in the regulations;
- (*c*) the owner of the laboratory pay the fees prescribed by the regulations for the examinations and evaluations by the agency designated in the regulations of proficiency in the performance of tests in the laboratory.

Idem

(9*b*) Where an agency designated in the regulations to examine and evaluate proficiency in the performance of tests, reports to the Director that the performance of a test in a laboratory does not meet the generally accepted standard of proficiency in the performance of the test, the Director may impose such conditions upon the licence in respect of the performance of the test in the laboratory as the Director considers necessary or advisable in order that the health of the public may be protected.

s. 45*f* (1),
re-enacted

8. Subsection 1 of section 45*f* of the said Act, as enacted by the Statutes of Ontario, 1972, chapter 80, section 4, is repealed and the following substituted therefor:

Proposal to
refuse to
issue,
revoke or
impose
condition

(1) Where the Director proposes to revoke or to refuse to issue or renew a licence or to impose a condition on an existing licence under this Act, the Director shall serve notice of his proposal, together with written reasons therefor, on the applicant in the case of a proposal to refuse to issue or renew the licence and on the owner and operator in the case of a proposal to revoke or to impose a condition on the licence.

s. 45*n*,
amended

9. Section 45*n* of the said Act, as enacted by the Statutes of Ontario, 1972, chapter 80, section 4, and amended by 1973, chapter 130, section 7, is further amended by adding thereto the following clauses:

- (*o*) prescribing fees in respect of classes of tests for examinations and evaluations of proficiency in the performance of tests in laboratories;

- (p) designating an agency or agencies to carry out examinations and evaluations of proficiency in the performance of tests in laboratories.

10. The said Act is further amended by adding thereto the following sections: ^{ss. 45o-45q. enacted}

45o. The Minister may enter into an agreement with ^{Agreement} an agency or agencies designated in the regulations to provide for the examination and evaluation of the performance of tests in laboratories including the manner and frequency of such examinations and evaluations, the reports thereon and payment therefor.

45p. The Minister may establish a committee of not fewer ^{Committee} than five persons for the purpose of recommending to the Minister standards and procedures for the evaluation of proficiency in the performance of tests in laboratories.

45q. The moneys required for the administration of the ^{Moneys} program of examining and evaluating the performance of tests in laboratories shall, until the 31st day of March, 1975 and subject to the approval of the Lieutenant Governor in Council, be paid out of the Consolidated Revenue Fund and thereafter shall be paid out of the moneys appropriated therefor by the Legislature.

11. Section 87 of the said Act is repealed and the following sub- ^{s. 87, re-enacted} stituted therefor:

87.—(1) The medical officer of health of a municipality ^{Inspection of premises} or any inspector or other person in the employ of the local board acting under his instructions may enter any premises in the municipality, and an inspector appointed under section 2a may enter any premises, at all reasonable times and inspect and examine the premises for the purpose of carrying out this Act and may take such action as he considers necessary for carrying it out including, where he finds that a condition exists in or about the premises that,

- (a) is dangerous or is likely to become dangerous to health or safety; or
- (b) hinders or is likely to hinder the prevention, mitigation or suppression of disease,

the making of an order that the premises be closed and remain closed until the condition no longer exists in or about the premises, and any person in charge of the premises for the time being shall render such assistance as is necessary to make such entry, inspection and examination.

Form of
order closing
premises

- (2) An order closing premises under subsection 1,
- (a) shall be in writing and shall include written reasons for the order; and
 - (b) may be directed to the owner or a person in charge of the premises.

Revocation
of order

(3) The person who has issued an order closing premises pursuant to subsection 1 may by a further order revoke the order and in such case shall serve or cause to be served a copy of the order on the person to whom the order closing the premises was directed.

Interpre-
tation

R.S.O. 1970,
c. 20

87a.—(1) In this section and in sections 87b and 87c, “Board” means the Health Facilities Appeal Board established under *The Ambulance Act*.

Notice

(2) An order closing premises referred to in subsection 2 of section 87 shall inform the person to whom it is directed that the owner or the person in charge of the premises is entitled to a hearing by the Board if he mails or delivers to the person who made the order and to the Board, within fifteen days after a copy of the order is served on him, notice in writing requiring a hearing and he may so require such a hearing.

Effect of
order

(3) Notwithstanding that a hearing is required in respect of an order closing premises, the order is effective at and from the time it is served upon the person to whom it is directed and is further effective until revoked or as confirmed or varied or until rescinded as provided by subsection 4 and such person shall comply with the order immediately.

Powers of
Board

(4) Where the owner or the person in charge of the premises requires a hearing by the Board in accordance with subsection 2, the Board shall appoint a time and place for and hold the hearing and the Board may by order confirm, alter or rescind the order and for such purposes the Board may substitute its finding for that of the person who made the order closing the premises.

Extension of
time for
requiring
hearing

(5) The Board may extend the time for the giving of notice requiring a hearing by the owner or a person in charge of the premises under this section either before or after the expiration of such time where it is satisfied that there are *prima facie* grounds for granting relief to the owner or a person in charge of the premises pursuant to a hearing and that there are reasonable grounds for applying for the extension, and the Board may give such directions as it considers proper consequent upon the extension.

87b.—(1) The person who has made the order closing ^{Parties} the premises pursuant to section 87, the owner or person in charge of the premises who has required the hearing and such other persons as the Board may specify are parties to proceedings before the Board under this Act.

(2) Notice of a hearing under section 87a shall afford the ^{Notice of hearing} owner or person in charge of the premises a reasonable opportunity to show before the hearing that the condition referred to in section 87 does not exist or no longer exists in or about the premises.

(3) Any party to proceedings under section 87a shall be ^{Examination of documentary evidence} afforded an opportunity to examine before the hearing any written or documentary evidence that will be produced or any report the contents of which will be given in evidence at the hearing.

(4) Members of the Board holding a hearing shall not ^{Members holding hearing not to have taken part in investigation, etc.} have taken part before the hearing in any investigation or consideration of the subject-matter of the hearing and shall not communicate directly or indirectly in relation to the subject-matter of the hearing with any person or with any party or his representative except upon notice to and opportunity for all parties to participate, but the Board may seek legal advice from an adviser independent from the parties and in such case the nature of the advice shall be made known to the parties in order that they may make submissions as to the law.

(5) The oral evidence taken before the Board at a hearing ^{Recording of evidence} shall be recorded and, if so required, copies or a transcript thereof shall be furnished upon the same terms as in the Supreme Court.

(6) The findings of fact of the Board pursuant to a hearing ^{Findings of fact} shall be based exclusively on evidence admissible or matters that may be noticed under sections 15 and 16 of *The Statutory Powers Procedure Act, 1971*, c. 47.

(7) No member of the Board shall participate in a decision ^{Only members at hearing to participate in decision} of the Board pursuant to a hearing unless he was present throughout the hearing and heard the evidence and argument of the parties and, except with the consent of the parties, no decision of the Board shall be given unless all members so present participate in the decision.

(8) Documents and things put in evidence at a hearing ^{Release of documentary evidence} shall, upon the request of the person who produced them, be released to him by the Board within a reasonable time after the matter in issue has been finally determined.

Appeal to
court

87c.—(1) Any party to the proceedings before the Board may appeal from its decision or order to the Supreme Court in accordance with the rules of court.

Record to be
filed in court

(2) Where any party appeals from a decision or order of the Board, the Board shall forthwith file in the Supreme Court the record of the proceedings before it in which the decision was made, which, together with the transcript of evidence if it is not part of the Board's record, shall constitute the record in the appeal.

Minister
entitled to
be heard

(3) The Minister is entitled to be heard, by counsel or otherwise, upon the argument of an appeal under this section.

Powers of
court on
appeal

(4) An appeal under this section may be made on questions of law or fact or both and the court may affirm or may rescind the decision of the Board and may exercise all powers of the Board to confirm, alter or rescind the order closing the premises and to substitute its finding as to the condition of the premises for that of the person who made the order closing the premises as the court considers proper and for such purposes the court may substitute its opinion for that of the person who made the order closing the premises or of the Board, or the court may refer the matter back to the Board for rehearing, in whole or in part, in accordance with such directions as the court considers proper.

Service of
order or
notice

87d. Except where otherwise provided, any order or notice required by sections 87 to 87c to be served may be served personally or by registered mail addressed to the person to whom notice is to be given at his latest known address and, where the order or notice is served by registered mail, the service shall be deemed to have been made on the fifth day after the day of mailing unless the person to whom the order or notice is given establishes that he did not, acting in good faith, through absence, accident, illness or other cause beyond his control receive the order or notice until a later date.

s. 118 (2),
re-enacted

12. Subsection 2 of section 118 of the said Act is repealed and the following substituted therefor:

Other
offences

(2) Any person who contravenes any other provision of this Act or of the regulations for which no other penalty is provided or of any municipal by-law passed under this Act, or who wilfully disobeys or neglects to carry out any order or direction lawfully made or given by the Ministry, an inspector appointed under section 2a, a local board, medical officer of

health or public health inspector, is guilty of an offence and on summary conviction is liable to a fine of not more than \$2,000 or to imprisonment for a term of not more than six months, or to both.

(2a) Where a corporation is convicted of an offence under subsection 2, the maximum penalty that may be imposed upon the corporation is \$25,000 and not as provided therein. ^{Idem}

(2b) Where a corporation has been convicted of an offence under subsection 2, ^{Directors and officers}

(a) each director of the corporation; and

(b) each officer, servant or agent of the corporation who was in whole or in part responsible for the conduct of that part of the business of the corporation that gave rise to the offence,

is a party to the offence unless he satisfies the court that he had no knowledge of any of the acts constituting the offence, and could not reasonably be expected to have had such knowledge and that he exercised reasonable diligence to prevent the commission of the offence.

13. Paragraph 29 of Schedule B to the said Act is repealed.

<sup>Sched. B,
par. 29,
repealed</sup>

14. This Act comes into force on a day to be named by proclamation of the Lieutenant Governor.

<sup>Commence-
ment</sup>

15. This Act may be cited as *The Public Health Amendment Act, 1974*. ^{Short title}

An Act to amend
The Public Health Act

1st Reading

June 14th, 1974

2nd Reading

June 27th, 1974

3rd Reading

June 28th, 1974

THE HON. F. S. MILLER
Minister of Health



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